



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Amendment 1077

PAG LIN

```
1 1      Amend House File 222 as follows:
1 2 #1.  Page 1, line 3, after <not> by inserting
1 3 <knowingly>
```

HUNTER of Polk
HF222.330 (1) 84
jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 212 - Introduced

HOUSE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 77)

A BILL FOR

1 An Act relating to school district dress code policies and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1373HV (2) 84
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 212 - Introduced continued

PAG LIN

1 1 Section 1. Section 279.58, subsection 1, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 279.58, subsection 2, Code 2011, is amended
1 4 to read as follows:
1 5 2. The board of directors of a school district may adopt,
1 6 for the district or for an individual school within the
1 7 district, a dress code policy that ~~prohibits students from~~
~~1 8 wearing gang-related or other specific apparel~~ prescribes
1 9 standard dress, or that otherwise imposes limitations on
1 10 student dress without limiting a student's constitutional
1 11 rights and privileges, if the board determines that the policy
1 12 ~~is necessary for~~ would improve the health, safety, or positive
1 13 educational environment of students and staff in the school
1 14 environment or for the appropriate discipline and operation of
1 15 the school.
1 16 3. Adoption and enforcement of a dress code policy pursuant
1 17 to this section is not a violation of section 280.22.
1 18 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 19 immediate importance, takes effect upon enactment.
1 20 EXPLANATION
1 21 This bill authorizes a school district to adopt, for the
1 22 school district or for an individual school, a dress code
1 23 policy that prescribes standard dress, or otherwise imposes
1 24 limitations on student dress without limiting a student's
1 25 constitutional rights and privileges, if the board of directors
1 26 of the school district determines that the policy would improve
1 27 the health, safety, or positive educational environment of
1 28 students and staff in the school.
1 29 Currently, a school district is authorized to adopt a dress
1 30 code policy that prohibits students from wearing gang-related
1 31 or other specific apparel.
1 32 The bill takes effect upon enactment.

LSB 1373HV (2) 84
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 213 - Introduced

HOUSE FILE
BY HELLAND

A BILL FOR

1 An Act relating to the meetings and actions of the governing
2 boards of certain nonprofit corporations and horizontal
3 property regimes and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1452YH (7) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 213 - Introduced continued

PAG LIN

1 1 Section 1. Section 499B.15, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. a. If the form of administration is a board of
1 4 administration, board meetings must be open to all apartment
1 5 owners except for meetings between the board and its attorney
1 6 with respect to proposed or pending litigation where the
1 7 contents of the discussion would otherwise be governed by
1 8 the attorney=client privilege. Notice of each board meeting
1 9 must be mailed or delivered to each apartment owner and
1 10 to each member of the board at least seven days before the
1 11 meeting. Each notice shall contain the date, time, place,
1 12 and purpose of the meeting. Minutes of meetings of the board
1 13 of administration must be maintained in written form or in
1 14 another form that can be converted into written form within
1 15 a reasonable time. The official records of the board of
1 16 administration must be open to inspection and available for
1 17 photocopying at reasonable times and places. Any action taken
1 18 by a board of administration at a meeting that is in violation
1 19 of any of the provisions of this subsection is not valid or
1 20 enforceable.
1 21 b. An apartment owner may seek judicial enforcement of
1 22 the requirements of this subsection within six months of the
1 23 alleged violation. Suits to enforce this subsection shall
1 24 be brought in the district court for the county in which the
1 25 declaration under section 499B.3 was filed. In any judicial
1 26 action, the board shall have the burden of proving that the
1 27 requirements of this subsection have been met. If a board
1 28 fails to prove by a preponderance of the evidence that the
1 29 board complied with the requirements of this subsection, the
1 30 court shall:
1 31 (1) Award costs and reasonable attorney fees to the
1 32 prevailing party.
1 33 (2) Issue an order declaring any action taken by the
1 34 board at a meeting that violated this subsection invalid and
1 35 unenforceable.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 213 - Introduced continued

2 1 (3) If the court determines that a violation of this
2 2 subsection is likely or about to occur, enjoin the board from
2 3 committing the violation.
2 4 Sec. 2. Section 504.823, Code 2011, is amended to read as
2 5 follows:
2 6 504.823 Call and notice of meetings.
2 7 1. Unless the articles or bylaws of a corporation, or
2 8 subsection 3 or 5, ~~provide~~ provides otherwise, regular meetings
2 9 of the board may be held without notice.
2 10 2. Unless the articles, bylaws, or subsection 3 or 5 ~~provide~~
~~2 11 provides~~ otherwise, special meetings of the board must be
2 12 preceded by at least two days' notice to each director of the
2 13 date, time, and place, but not the purpose, of the meeting.
2 14 3. In corporations without members, any board action to
2 15 remove a director or to approve a matter which would require
2 16 approval by the members if the corporation had members shall
2 17 not be valid unless each director is given at least seven
2 18 days' written notice that the matter will be voted upon at
2 19 a directors' meeting or unless notice is waived pursuant to
2 20 section 504.824.
2 21 4. Unless the articles or bylaws provide otherwise, the
2 22 presiding officer of the board, the president, or twenty
2 23 percent of the directors then in office may call and give
2 24 notice of a meeting of the board.
2 25 5. a. Notwithstanding any provision of this chapter to
2 26 the contrary, homeowners' association board meetings shall be
2 27 open to all members except for meetings between the board and
2 28 its attorney with respect to proposed or pending litigation
2 29 where the contents of the discussion would otherwise be
2 30 governed by the attorney-client privilege. Notice of each
2 31 board meeting shall be mailed or delivered to each member and
2 32 to each director at least seven days before the meeting. Each
2 33 notice shall contain the date, time, place, and purpose of the
2 34 meeting. Any action taken by a board at a meeting that is in
2 35 violation of any of the provisions of this subsection is not



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 213 - Introduced continued

3 1 valid or enforceable.

3 2 b. A member may seek judicial enforcement of the
3 3 requirements of this subsection within six months of the
3 4 alleged violation. Suits to enforce this subsection shall
3 5 be brought in the district court for the county in which a
3 6 majority of the area of real estate governed by the homeowners'
3 7 association is located. In any judicial action, the
3 8 homeowners' association board shall have the burden of proving
3 9 that the requirements of this subsection have been met. If a
3 10 homeowners' association fails to prove by a preponderance of
3 11 the evidence that the homeowners' association complied with the
3 12 requirements of this subsection, the court shall:

3 13 (1) Award costs and reasonable attorney fees to the
3 14 prevailing party.

3 15 (2) Issue an order declaring any action taken by the
3 16 homeowners' association board at a meeting that violated this
3 17 subsection invalid and unenforceable.

3 18 (3) If the court determines that a violation of this
3 19 subsection is likely or about to occur, enjoin the homeowners'
3 20 association from committing the violation.

3 21 c. For purposes of this subsection, "homeowners'
3 22 association" means a corporation responsible for the
3 23 administration and operation of an area of real property
3 24 comprised of land and buildings used primarily for human
3 25 habitation, whose membership consists of parcel owners or their
3 26 agents, and, as a condition of parcel ownership, membership in
3 27 the corporation is mandatory.

3 28 Sec. 3. APPLICABILITY. This Act applies to homeowners'
3 29 association board meetings and horizontal property regime board
3 30 of administration meetings occurring on or after July 8, 2011.

3 31 EXPLANATION

3 32 This bill applies to horizontal property regimes
3 33 (condominiums) under Code chapter 499B and to homeowners'
3 34 associations organized under the revised Iowa nonprofit
3 35 corporation Act, Code chapter 504.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 213 - Introduced continued

4 1 The bill amends Code section 504.823 to require homeowners'
4 2 association board meetings to be open to all members except
4 3 for meetings between the board and its attorney with respect
4 4 to proposed or pending litigation where the contents of the
4 5 discussion would otherwise be governed by the attorney=client
4 6 privilege. The bill also requires notice of each board meeting
4 7 to be mailed or delivered to each member and to each director
4 8 at least seven days before the meeting. Each notice must
4 9 contain the date, time, place, and purpose of the meeting.
4 10 Any action taken by a board at a meeting that is in violation
4 11 of the bill is not valid or enforceable. The bill defines
4 12 "homeowners' association" as a corporation responsible for
4 13 the administration and operation of an area of real property
4 14 comprised of land and buildings used primarily for human
4 15 habitation, whose membership consists of parcel owners or their
4 16 agents, and as a condition of parcel ownership, membership in
4 17 the corporation is mandatory.
4 18 The bill allows an aggrieved member of the homeowners'
4 19 association to seek judicial enforcement of the requirements
4 20 of the bill within six months of the alleged violation. In
4 21 any judicial action, the homeowners' association board has
4 22 the burden of proving that the requirements of the bill have
4 23 been met. If a homeowners' association fails to prove by a
4 24 preponderance of the evidence that the homeowners' association
4 25 complied with the requirements of this subsection, the
4 26 court shall award costs and reasonable attorney fees to the
4 27 prevailing party, issue an order declaring any action taken by
4 28 the homeowners' association board at a meeting that violated
4 29 this subsection invalid and unenforceable, and if the court
4 30 determines that a violation of this subsection is likely
4 31 or about to occur, enjoin the homeowners' association from
4 32 committing the violation.
4 33 The bill also includes similar provisions for the
4 34 contents of meeting notices, judicial enforcement of meeting
4 35 requirements, and burden of proof requirements for horizontal



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 213 - Introduced continued

5 1 property regimes under Code chapter 499B.
5 2 The bill applies to homeowners' association board meetings
5 3 and horizontal property regime board of administration meetings
5 4 occurring on or after July 8, 2011.
LSB 1452YH (7) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 214 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act abolishing the declaration that the English language is
2 the official language of the state of Iowa.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1750HH (2) 84
av/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 214 - Introduced continued

PAG LIN

1 1 Section 1. REPEAL. Section 1.18, Code 2011, is repealed.
1 2 Sec. 2. REPEAL. Section 4.14, Code 2011, is repealed.
1 3 EXPLANATION
1 4 This bill repeals the Iowa English language reaffirmation
1 5 Act, which provides that English is the official language of
1 6 the state of Iowa. The Code section providing for general
1 7 rules of construction for English language laws is also
1 8 repealed.
LSB 1750HH (2) 84
av/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 215 - Introduced

HOUSE FILE
BY HORBACH

A BILL FOR

1 An Act relating to employer credits for overpayments of weekly
2 workers' compensation benefits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1561YH (3) 84
av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 215 - Introduced continued

PAG LIN

1 1 Section 1. Section 85.34, subsection 4, Code 2011, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 4. Credits for excess payments.
1 5 a. If an employee is paid any weekly benefits in excess of
1 6 that required by this chapter and chapters 85A, 85B, and 86,
1 7 the excess paid by the employer shall be credited against the
1 8 liability of the employer as follows:
1 9 (1) The excess payments shall first be credited against the
1 10 liability of the employer for any weekly benefits, interest, or
1 11 penalty benefits owed or awarded to the employee for the same
1 12 injury.
1 13 (2) Any remaining excess payments shall be credited against
1 14 the liability of the same employer for any weekly benefits,
1 15 interest, or penalty benefits owed or awarded for a subsequent
1 16 injury to the same employee. An overpayment credit to be
1 17 applied to a subsequent injury can be established only when the
1 18 overpayment is recognized pursuant to any of the following:
1 19 (a) A settlement agreement approved by the commissioner
1 20 under section 85.35, subsection 2, 4, or 5 or section 86.13.
1 21 (b) Final agency action in a contested case which was
1 22 commenced within three years from the date that weekly benefits
1 23 were last paid for the claim for which the benefits were
1 24 overpaid.
1 25 (c) Final agency action in a contested case for a prior
1 26 injury to the same employee.
1 27 b. For the purposes of this subsection, "weekly benefits"
1 28 shall include weekly compensation benefits of any kind paid or
1 29 owed by an employer for any of the following:
1 30 (1) Temporary partial or temporary total disability
1 31 benefits under section 85.33.
1 32 (2) Healing period benefits under this section.
1 33 (3) Permanent partial or permanent total disability
1 34 benefits under this section.
1 35 (4) Death benefits to the employee's surviving spouse,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 215 - Introduced continued

2 1 children, or other dependents under section 85.31, 85.42,
2 2 85.43, or 85.44.
2 3 (5) Temporary or permanent disability benefits for
2 4 occupational diseases under chapter 85A.
2 5 (6) Disability benefits for partial or total occupational
2 6 hearing loss under chapter 85B.
2 7 Sec. 2. Section 85.34, subsection 5, Code 2011, is amended
2 8 by striking the subsection.

2 9 EXPLANATION

2 10 This bill amends Code section 85.34 to expand the
2 11 circumstances under which an employer can receive credit for
2 12 overpayment of certain weekly workers' compensation benefits.
2 13 Currently, if an employee is overpaid weekly workers'
2 14 compensation benefits, the excess paid by the employer is
2 15 credited against the liability of the employer for any future
2 16 weekly permanent partial disability benefits due from that
2 17 employer for a subsequent injury to the same employee.
2 18 The bill provides that if an employee is paid any excess
2 19 weekly benefits, the employer is entitled to a credit against
2 20 the liability of the employer for any weekly benefits,
2 21 interest, or penalty benefits owed or awarded to the employee
2 22 for the same injury. Any remaining excess payments are then
2 23 credited against the liability of the same employer for any
2 24 weekly benefits, interest, or penalty benefits owed or awarded
2 25 for a subsequent injury to the same employee as long as the
2 26 overpayment is recognized in a settlement agreement approved
2 27 by the commissioner, or is recognized pursuant to final agency
2 28 action in a contested case, as specified in the bill.

LSB 1561YH (3) 84

av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 216 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act requiring employers to provide employees with meal
2 periods and rest periods and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1740YH (3) 84
je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 216 - Introduced continued

PAG LIN

1 1 Section 1. Section 84A.5, subsection 4, Code 2011, is
1 2 amended to read as follows:
1 3 4. The division of labor services is responsible for the
1 4 administration of the laws of this state under chapters 88,
1 5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
1 6 and 94A, and section 85.68. The executive head of the division
1 7 is the labor commissioner, appointed pursuant to section 91.2.
1 8 Sec. 2. NEW SECTION. 91F.1 Meal and rest periods ====
1 9 requirements.
1 10 1. As used in this chapter, unless the context otherwise
1 11 requires:
1 12 a. "Employee" means a natural person who is employed in this
1 13 state for wages by an employer.
1 14 b. "Employer" means a person, as defined in section 4.1,
1 15 who in this state employs for wages a natural person. An
1 16 employer does not include a client, patient, customer, or other
1 17 person who obtains professional services from a licensed person
1 18 who provides the services on a fee service basis or as an
1 19 independent contractor.
1 20 2. An employer shall provide an employee with appropriate
1 21 meal periods and appropriate rest periods.
1 22 a. An appropriate meal period shall be a period of not less
1 23 than thirty minutes during an employee's work period in which
1 24 an employee works at least seven hours. The meal period shall
1 25 be taken between the second and fifth hours. If an employee
1 26 works more than seven hours, the meal period shall be taken
1 27 between the third and sixth hours.
1 28 b. An appropriate rest period shall be a paid period of
1 29 not less than ten minutes during every consecutive four-hour
1 30 period of work taken by an employee approximately in the middle
1 31 of each four-hour period. The rest period is in addition to a
1 32 meal period, if applicable, and shall not be added to a meal
1 33 period or deducted from the work period to reduce the overall
1 34 length of the total work period.
1 35 3. An employer is not required to pay for a meal period



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 216 - Introduced continued

2 1 if an employee is free from work duties during the employee's
2 2 entire meal period. An employee shall be paid for the meal
2 3 period if any of the following occur:
2 4 a. The employee is required or allowed to remain on duty.
2 5 b. The employee is required to be on-call at the work
2 6 premises or designated worksite to be available to return to
2 7 duty even if the employee is not called back to duty.
2 8 c. The employee is called back to duty during the employee's
2 9 meal period even though the employee is not usually on-call
2 10 during the meal period.
2 11 Sec. 3. NEW SECTION. 91F.2 Meal and rest periods ====
2 12 exemptions.
2 13 1. Meal and rest period requirements may be modified by the
2 14 terms of a collective bargaining agreement if the collective
2 15 bargaining agreement entered into by the employees prescribes
2 16 specific terms concerning meal periods and rest periods.
2 17 2. Meal and rest period requirements apply to hourly paid
2 18 and salary-paid employees. Management or employees involved
2 19 in agricultural jobs are not required to have breaks or meal
2 20 breaks. For the purposes of this section, agricultural jobs do
2 21 not include work in the production of seed, limited to removal
2 22 of off-type plants and corn tassels and hand-pollinating during
2 23 the months of June, July, and August by persons ages fourteen
2 24 and older.
2 25 3. Meal period requirements may be waived when an employer
2 26 can show that the ordinary nature and circumstance of the work
2 27 prevented the employer from establishing and maintaining a
2 28 regularly scheduled meal period. The circumstances in which
2 29 the requirements may be waived are limited to the following:
2 30 a. The safety and health needs of employees, patients,
2 31 clients, and the public.
2 32 b. The lack of other employees available to provide relief
2 33 to an employee.
2 34 c. The cost involved in shutdown and startup of machinery in
2 35 continuous operation of the industrial process.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 216 - Introduced continued

3 1 d. The intermittent and unpredictable workflow not
3 2 controlled by the employer or employee.
3 3 e. Unforeseeable equipment failures, emergencies, or acts
3 4 of nature that require immediate and uninterrupted attention
3 5 by an employee.
3 6 Sec. 4. NEW SECTION. 91F.3 Civil penalties.
3 7 1. Any employer who violates the provisions of this chapter
3 8 or the rules adopted pursuant to this chapter is subject to a
3 9 civil penalty of not more than one hundred dollars for each
3 10 violation. The commissioner may recover the civil penalty
3 11 according to subsections 2 through 5. Any civil penalty
3 12 recovered shall be deposited in the general fund of the state.
3 13 2. The commissioner may propose that an employer be assessed
3 14 a civil penalty by serving the employer with notice of such
3 15 proposal in the same manner as an original notice is served
3 16 under the rules of civil procedure. Upon service of such
3 17 notice, the proposed assessment shall be treated as a contested
3 18 case under chapter 17A. However, an employer must request a
3 19 hearing within thirty days of being served.
3 20 3. If an employer does not request a hearing pursuant
3 21 to subsection 2 or if the commissioner determines, after an
3 22 appropriate hearing, that an employer is in violation of this
3 23 chapter or the rules adopted pursuant to this chapter, the
3 24 commissioner shall assess a civil penalty which is consistent
3 25 with the provisions of subsection 1 and which is rendered with
3 26 due consideration for the penalty amount in terms of the size
3 27 of the employer's business, the gravity of the violation,
3 28 the good faith of the employer, and the history of previous
3 29 violations.
3 30 4. An employer may seek judicial review of any assessment
3 31 rendered under subsection 3 by instituting proceedings for
3 32 judicial review pursuant to chapter 17A. However, such
3 33 proceedings must be instituted in the district court of the
3 34 county in which the violation or one of the violations occurred
3 35 and within thirty days of the day on which the employer was



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 216 - Introduced continued

4 1 notified that an assessment has been rendered. Also, an
4 2 employer may be required, at the discretion of the district
4 3 court and upon instituting such proceedings, to deposit the
4 4 amount assessed with the clerk of the district court. Any
4 5 moneys so deposited shall either be returned to the employer
4 6 or be forwarded to the commissioner for deposit in the general
4 7 fund of the state, depending on the outcome of the judicial
4 8 review, including any appeal to the supreme court.

4 9 5. After the time for seeking judicial review has expired
4 10 or after all judicial review has been exhausted and the
4 11 commissioner's assessment has been upheld, the commissioner
4 12 shall request the attorney general to recover the assessed
4 13 penalties in a civil action.

4 14 Sec. 5. NEW SECTION. 91F.4 Duties and authority of
4 15 commissioner.

4 16 1. The labor commissioner shall adopt rules to administer
4 17 and enforce this chapter and shall provide further exemptions
4 18 from the provisions in this chapter when reasonable.

4 19 2. In order to carry out the purposes of this chapter,
4 20 the labor commissioner or the commissioner's designee, upon
4 21 presenting appropriate credentials to the employer or agent of
4 22 the employer, may do any of the following:

4 23 a. Inspect employment records relating to meal and rest
4 24 periods for employees.

4 25 b. Interview an employer or employee or an agent of
4 26 the employer or employee, during working hours or at other
4 27 reasonable times.

4 28 EXPLANATION

4 29 This bill creates a new Code chapter 91F that requires an
4 30 employer to provide an employee with appropriate meal periods
4 31 and appropriate rest periods.

4 32 The bill states that an appropriate meal period shall be not
4 33 less than 30 minutes during an employee's work period of at
4 34 least seven hours. The meal period is to be taken between the
4 35 second and fifth hours of the work or, if the employee works



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 216 - Introduced continued

5 1 more than seven hours, between the third and sixth hours.
5 2 The bill states that an appropriate rest period shall be a
5 3 paid period of not less than 10 minutes during every four-hour
5 4 work period. The rest period is taken in the middle of the work
5 5 period. The rest period is in addition to the meal period and
5 6 cannot be added to the meal period or deducted from the work
5 7 period to reduce the overall length of the total work period.
5 8 The bill defines an "employee" as a natural person who is
5 9 employed in this state for wages by an employer. An "employer"
5 10 is defined as a person, as defined in Code section 4.1, who
5 11 employs a natural person for wages.
5 12 The bill provides that an employer is not required to pay for
5 13 a meal period if an employee is free from work duties during
5 14 the employee's entire meal period.
5 15 The bill allows three exemptions to the meal and rest period
5 16 requirements. The first exemption is if the meal and rest
5 17 period requirements are modified by the terms of a collective
5 18 bargaining agreement. However, the exemption is valid only
5 19 if the collective bargaining agreement entered into by the
5 20 employees prescribes specific terms concerning meal periods and
5 21 rest periods.
5 22 The second exemption states that meal and rest period
5 23 requirements apply to hourly paid and salary-paid employees.
5 24 However, management or employees involved in certain
5 25 agricultural jobs are not required to have breaks or meal
5 26 breaks.
5 27 The third exemption is when an employer can show that the
5 28 ordinary nature and circumstance of the work prevented the
5 29 employer from establishing and maintaining a regular scheduled
5 30 meal period.
5 31 The bill provides civil penalties for violating the new
5 32 Code chapter. An employer who violates the provisions shall
5 33 be subject to a penalty of up to \$100 for each violation. The
5 34 labor commissioner may recover the penalties under Code chapter
5 35 17A contested case procedures. Any penalties recovered shall



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 216 - Introduced continued

6 1 be deposited in the general fund of the state.
6 2 The commissioner may propose that an employer be assessed a
6 3 penalty by serving the employer with notice of a penalty in the
6 4 same manner as an original notice is served under the rules of
6 5 civil procedure.
6 6 The bill provides the labor commissioner with the authority
6 7 to adopt rules to administer and enforce the chapter to
6 8 provide further exemptions from the provisions when reasonable.
6 9 Also, the labor commissioner or the commissioner's designee
6 10 may inspect employment records relating to rest periods for
6 11 employees and interview an employer or employee or an agent
6 12 of the employer or employee, during working hours or at other
6 13 reasonable times.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 217 - Introduced

HOUSE FILE
BY HORBACH

A BILL FOR

1 An Act relating to the award of penalty benefits in workers'
2 compensation cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2049YH (2) 84
av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 217 - Introduced continued

PAG LIN

1 1 Section 1. Section 86.13, subsection 4, paragraph a, Code
1 2 2011, is amended to read as follows:
1 3 a. If a denial, a delay in payment, or a termination of
1 4 benefits occurs without reasonable or probable cause or excuse
1 5 known to the employer or insurance carrier at the time of
1 6 the denial, delay in payment, or termination of benefits,
1 7 the workers' compensation commissioner shall award benefits
1 8 in addition to those benefits payable under this chapter, or
1 9 chapter 85, 85A, or 85B, up to fifty percent of the amount
1 10 of benefits to which the employee is found to be entitled,
1 11 that were denied, delayed, or terminated without reasonable or
1 12 probable cause or excuse.

1 13 Sec. 2. Section 86.13, subsection 4, Code 2011, is amended
1 14 by adding the following new paragraph:

1 15 NEW PARAGRAPH. d. The employee shall cooperate with a
1 16 reasonable investigation and evaluation by the employer or
1 17 insurance carrier into whether benefits were owed to the
1 18 employee, including but not limited to providing all reasonably
1 19 requested information, recorded statements, and authorizations
1 20 for release of information, and attendance at reasonably
1 21 requested evaluations by health service providers chosen by the
1 22 employer. Notwithstanding paragraphs "b" and "c", the failure
1 23 of an employee to cooperate with the employer's reasonable
1 24 investigation and evaluation shall be an absolute bar to the
1 25 award of penalty benefits to that employee pursuant to this
1 26 subsection.

1 27 EXPLANATION

1 28 This bill relates to the imposition of penalty benefits
1 29 in workers' compensation cases. Code section 86.13(4)(a) is
1 30 amended to specify that penalty benefits shall only be awarded
1 31 based on the amount of benefits to which the employee is found
1 32 to be entitled. Code section 86.13(4) is amended by adding a
1 33 provision that an employee must cooperate with a reasonable
1 34 investigation and evaluation by the employer or insurance
1 35 carrier into whether benefits were owed to the employee.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 217 - Introduced continued

- 2 1 Failure to do so is an absolute bar to the award of penalty
- 2 2 benefits to that employee.

LSB 2049YH (2) 84

av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 218 - Introduced

HOUSE FILE
BY M. SMITH,
WESSEL=KROESCHELL,
MURPHY, HANSON,
KELLEY, GAINES,
ISENHART, BERRY,
COHOON, THEDE,
WILLEMS, HEDDENS,
HALL, KRESSIG, and
STECKMAN

A BILL FOR

1 An Act relating to social work, including the licensure of
2 social workers and the creation of a licensed social worker
3 loan repayment program and a revolving fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1154HH (7) 84
jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 218 - Introduced continued

PAG LIN

1 1 Section 1. Section 154C.1, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4A. "Social worker" means a person who
1 4 holds a current license under this chapter or has received a
1 5 baccalaureate, master's, or doctoral degree in social work from
1 6 an accredited school of social work approved by the council on
1 7 social work education.
1 8 Sec. 2. Section 154C.2, Code 2011, is amended by striking
1 9 the section and inserting in lieu thereof the following:
1 10 154C.2 License required ==== use of title.
1 11 1. A person shall not engage in the practice of social work
1 12 unless such person meets one of the following requirements:
1 13 a. Has received a baccalaureate, master's, or doctoral
1 14 degree in social work from an accredited school of social work
1 15 approved by the council on social work education.
1 16 b. Holds a current social worker license pursuant to section
1 17 154C.3.
1 18 2. A government entity, public or private agency, or other
1 19 entity shall not use the title "social worker" or any form
1 20 of the title, including but not limited to the abbreviations
1 21 "S.W.", "B.S.W.", "M.S.W.", "D.S.W.", "L.B.S.W.", "L.M.S.W.",
1 22 or "L.I.S.W.", for volunteer or employment positions or within
1 23 contracts for services, documents, manuals, or reference
1 24 materials unless the volunteers or employees in those positions
1 25 are licensed social workers as set forth in this chapter.
1 26 Sec. 3. Section 154C.3, subsection 1, Code 2011, is amended
1 27 to read as follows:
1 28 1. License requirements. An applicant for a license as a
1 29 bachelor social worker, master social worker, or independent
1 30 social worker shall meet the following requirements in addition
1 31 to paying all fees required by the board:
1 32 a. Bachelor social worker. An applicant for a license as a
1 33 bachelor social worker shall present evidence satisfactory to
1 34 the board that the applicant:
1 35 (1) Possesses a bachelor's degree in social work from an



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 218 - Introduced continued

2 1 accredited ~~college or university~~ school of social work approved
2 2 by the ~~board~~ council on social work education.
2 3 (2) Has passed an examination given by the board.
2 4 (3) Will conduct all professional activities as a bachelor
2 5 social worker in accordance with standards for professional
2 6 conduct established by the board.
2 7 b. Master social worker. An applicant for a license as a
2 8 master social worker shall present evidence satisfactory to the
2 9 board that the applicant:
2 10 (1) Possesses a master's or doctoral degree in social work
2 11 from an accredited ~~college or university~~ school of social work
2 12 approved by the ~~board~~ council on social work education.
2 13 (2) Has passed an examination given by the board.
2 14 (3) Will conduct all professional activities as a master
2 15 social worker in accordance with standards for professional
2 16 conduct established by the board.
2 17 c. Independent social worker. An applicant for a license
2 18 as an independent social worker shall present evidence
2 19 satisfactory to the board that the applicant:
2 20 (1) Possesses a master's or doctoral degree in social work
2 21 from an accredited ~~college or university~~ school of social work
2 22 approved by the ~~board~~ council on social work education.
2 23 (2) Has passed an examination given by the board.
2 24 (3) Will conduct all professional activities as a social
2 25 worker in accordance with standards for professional conduct
2 26 established by the board.
2 27 (4) Has engaged in the practice of social work, under
2 28 supervision, for at least two years as a full-time employee or
2 29 for four thousand hours prior to taking the examination given
2 30 by the board.
2 31 (5) (a) Supervision shall be provided in any of the
2 32 following manners:
2 33 (i) By a social worker licensed at least at the level of the
2 34 social worker being supervised and qualified under this section
2 35 to practice without supervision.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 218 - Introduced continued

3 1 (ii) By another qualified professional, if the board
3 2 determines that supervision by a social worker as defined
3 3 in subparagraph subdivision (i) is unobtainable or in other
3 4 situations considered appropriate by the board.

3 5 (b) Additional standards for supervision shall be
3 6 determined by the board.

3 7 Sec. 4. NEW SECTION. 261.113 Licensed social worker loan
3 8 repayment program.

3 9 1. A licensed social worker loan repayment program is
3 10 established, to be administered by the college student aid
3 11 commission for the purpose of increasing the number of social
3 12 workers serving in critical human service areas. For purposes
3 13 of this section, "critical human service area" includes but
3 14 is not limited to an area of the state with a shortage of
3 15 social workers providing health, mental health, substance
3 16 abuse, aging, HIV/AIDS, victim, or child welfare services,
3 17 or communities with multilingual needs. These areas shall
3 18 be designated by the college student aid commission, in
3 19 consultation with a committee comprised of one representative
3 20 each from the commission, the department of public health, and
3 21 the department of human services.

3 22 2. The contract for the loan repayment shall stipulate the
3 23 time period the licensed social worker shall practice in a
3 24 critical human service area. In addition, the contract shall
3 25 stipulate that the licensed social worker repay any funds paid
3 26 on the person's loan by the commission if the person fails to
3 27 practice in a critical human service area for the required
3 28 period of time.

3 29 Sec. 5. NEW SECTION. 261.114 Licensed social worker loan
3 30 repayment revolving fund.

3 31 1. A licensed social worker loan repayment revolving fund
3 32 is created in the state treasury as a separate fund under
3 33 the control of the commission. The commission shall deposit
3 34 payments made by program participants under section 261.113,
3 35 subsection 2, moneys appropriated for purposes of the licensed



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 218 - Introduced continued

4 1 social worker loan repayment program, and any other available
4 2 funds into the loan repayment revolving fund. Moneys in the
4 3 fund shall be used for purposes of the licensed social worker
4 4 loan repayment program. Notwithstanding section 8.33, moneys
4 5 deposited in the fund shall not revert to any fund of the state
4 6 at the end of any fiscal year but shall remain in the fund and
4 7 be continuously available for the program.

4 8 2. Notwithstanding section 12C.7, subsection 2, interest
4 9 or earnings on moneys deposited in the fund shall be credited
4 10 to the fund.

4 11 3. a. The annual amount of loan repayment is six thousand
4 12 five hundred dollars for individuals who have provided
4 13 full-time social work services in a critical human service
4 14 area in the year prior to such application, provided that
4 15 no recipient shall receive loan repayment that exceeds the
4 16 total remaining balance of the student loan debt and that
4 17 no recipient shall receive cumulative awards in excess of
4 18 twenty-five thousand dollars.

4 19 b. Awards shall be within the amounts appropriated for such
4 20 purpose and based on availability of funds.

4 21 4. Loan repayment awards shall be made annually to
4 22 applicants in the following order of priority:

4 23 a. First priority is given to applicants who have received
4 24 payment of an award pursuant to this section in a prior year
4 25 and who have provided social work services in a critical human
4 26 service area in the year prior to such application.

4 27 b. Second priority is given to applicants who have not
4 28 received payment of an award pursuant to this section in
4 29 a prior year and who have provided social work services
4 30 in a critical human service area in the year prior to such
4 31 application.

4 32 c. Third priority is given to applicants who are
4 33 economically disadvantaged, as defined by the commission.

4 34 5. The commission shall adopt rules pursuant to chapter 17A
4 35 to administer this section.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 218 - Introduced continued

5 1 EXPLANATION
5 2 This bill provides that only a person who is a licensed
5 3 social worker and has received a baccalaureate, master's,
5 4 or doctoral degree in social work from an accredited school
5 5 approved by the council on social work education may use the
5 6 title "social worker" or any form or abbreviation of the title.
5 7 The bill creates a licensed social worker loan repayment
5 8 program administered by the college student aid commission.
5 9 Applicants for the program must enter into an agreement with
5 10 the commission, agreeing to work for a specific period of time
5 11 in a "critical human service area", defined as a geographic
5 12 area in Iowa with a shortage of social workers in health,
5 13 mental health, substance abuse, aging, HIV/AIDS, victim, or
5 14 child welfare concerns, or communities with multilingual needs.
5 15 The program provides a specific annual benefit, up to
5 16 \$6,500, for licensed social workers who have worked in a
5 17 critical human service area in the previous year. No recipient
5 18 shall receive loan repayment that exceeds the total remaining
5 19 balance of the student loan debt and no recipient shall receive
5 20 cumulative awards in excess of \$25,000.
5 21 The program is funded by a special revolving fund in
5 22 the state treasury, controlled by the college student aid
5 23 commission. The fund consists of moneys appropriated for
5 24 purposes of the program, repayments by participants who fail
5 25 to meet the service area requirements, and any other available
5 26 moneys. Moneys deposited in the fund do not revert to the
5 27 state at the end of any fiscal year but shall remain in the fund
5 28 and be continuously available for the program. Interest or
5 29 earnings on moneys deposited in the fund shall also be credited
5 30 to the fund.

LSB 1154HH (7) 84

jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 219 - Introduced

HOUSE FILE
BY J. TAYLOR

A BILL FOR

1 An Act prohibiting the use of credit information to underwrite
2 or rate risks for private passenger automobile insurance,
3 providing penalties, and including effective and
4 applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2115YH (7) 84
av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 219 - Introduced continued

PAG LIN

1 1 Section 1. Section 507B.4, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 13A. Use of credit information for private
1 4 passenger automobile insurance. Any violation of section
1 5 515.103, subsection 2A.
1 6 Sec. 2. Section 515.103, subsection 1, paragraph j, Code
1 7 2011, is amended to read as follows:
1 8 j. "Personal insurance" means personal insurance and not
1 9 commercial insurance and is limited to ~~private passenger~~
~~1 10 automobile,~~ homeowners, farm owners, personal farm liability,
1 11 motorcycle, mobile home owners, noncommercial dwelling fire,
1 12 boat, personal watercraft, snowmobile, and recreational vehicle
1 13 insurance policies, that are individually underwritten for
1 14 personal, family, farm, or household use. No other type of
1 15 insurance is included as personal insurance for the purposes of
1 16 this section.
1 17 Sec. 3. Section 515.103, Code 2011, is amended by adding the
1 18 following new subsection:
1 19 NEW SUBSECTION. 2A. Private passenger automobile insurance
1 20 ~~====~~ use of credit information prohibited.
1 21 a. An insurer authorized to do business in Iowa shall not
1 22 use credit information to underwrite or rate risks for private
1 23 passenger automobile insurance that is personal insurance and
1 24 not commercial insurance and that is limited to such insurance
1 25 policies that are individually underwritten for personal,
1 26 family, farm, or household use. This prohibition includes but
1 27 is not limited to doing any of the following:
1 28 (1) Using an insurance score.
1 29 (2) Denying issuance, canceling, or refusing to renew a
1 30 policy of private passenger automobile insurance based on any
1 31 consideration of credit information.
1 32 (3) Basing a consumer's renewal rates for private
1 33 passenger automobile insurance on any consideration of credit
1 34 information.
1 35 (4) Taking adverse action against a consumer based on any



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 219 - Introduced continued

2 1 consideration of the fact that the consumer does not have a
2 2 credit card account.
2 3 (5) Considering an absence of credit information or an
2 4 inability to calculate an insurance score in underwriting or
2 5 rating private passenger automobile insurance.
2 6 (6) Taking adverse action against a consumer based on credit
2 7 information.
2 8 (7) Using any of the following as a negative factor in any
2 9 methodology used for the purpose of underwriting or rating a
2 10 private passenger automobile insurance policy:
2 11 (a) Credit inquiries not initiated by the consumer or
2 12 inquiries requested by the consumer for the consumer's own
2 13 credit information.
2 14 (b) Inquiries relating to insurance coverage, if so
2 15 identified on a consumer's credit report.
2 16 (c) Collection accounts with a medical industry code, if so
2 17 identified on a consumer's credit report.
2 18 (d) Multiple lender inquiries, if coded by a consumer
2 19 reporting agency on the consumer's credit report as being from
2 20 the home mortgage industry and made within thirty days of one
2 21 another, unless only one inquiry is considered.
2 22 (e) Multiple lender inquiries, if coded by a consumer
2 23 reporting agency on the consumer's credit report as being from
2 24 the automobile lending industry and made within thirty days of
2 25 one another, unless only one inquiry is considered.
2 26 b. A violation of this subsection is an unfair or deceptive
2 27 act or practice in the business of insurance as provided in
2 28 chapter 507B.
2 29 Sec. 4. EFFECTIVE DATE AND APPLICABILITY. This Act takes
2 30 effect October 1, 2011, and applies to private passenger
2 31 automobile insurance policies delivered, issued for delivery,
2 32 continued, or renewed in this state on or after that date.
2 33 EXPLANATION
2 34 This bill prohibits the use of credit information to
2 35 underwrite or rate risks for private passenger automobile



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 219 - Introduced continued

3 1 insurance that is personal insurance and not commercial
3 2 insurance and that is individually underwritten for personal,
3 3 family, farm, or household use. For the purposes of the bill,
3 4 "credit information" means any information related to credit
3 5 that is contained in or derived from a credit report, or
3 6 provided in an application for personal insurance. Information
3 7 that is not related to credit is not considered "credit
3 8 information" regardless of whether the information is contained
3 9 in or derived from a credit report or an application for credit
3 10 or is used to calculate an insurance score.

3 11 The bill provides that credit information cannot be used
3 12 to underwrite or rate risks for private passenger automobile
3 13 insurance, including but not limited to using an insurance
3 14 score; denying issuance, canceling, or refusing to renew such
3 15 insurance based on credit information; basing renewal rates on
3 16 credit information; taking adverse action against a consumer
3 17 based on the fact that the consumer has no credit card account;
3 18 considering an absence of credit information; taking adverse
3 19 action against a consumer based on credit information; and
3 20 using certain information contained in a credit report as a
3 21 negative factor in any methodology for underwriting or rating
3 22 risks.

3 23 A violation of the provisions of the bill is an unfair or
3 24 deceptive act or practice in the business of insurance as
3 25 provided in Code chapter 507B and the proceedings, orders, and
3 26 penalties contained in Code chapter 507B are applicable to
3 27 violations of the provisions of the bill.

3 28 The bill takes effect October 1, 2011, and is applicable
3 29 to private passenger automobile insurance policies delivered,
3 30 issued for delivery, continued, or renewed in this state on or
3 31 after that date.

3 32 Currently, credit information can be used by an insurer
3 33 to underwrite or rate risks for private passenger automobile
3 34 insurance under certain specified circumstances contained in
3 35 Code section 515.103(2).

LSB 2115YH (7) 84

av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 220 - Introduced

HOUSE FILE

BY ALONS, BRANDENBURG,
SCHULTZ, IVERSON,
PEARSON, FRY, DRAKE,
FORRISTALL, HUSEMAN,
CHAMBERS, PETTENGILL,
HAGENOW, MASSIE, SHAW,
KLEIN, ROGERS, SANDS,
and WINDSCHITL

(COMPANION TO LSB
1783SS BY SORENSON)

A BILL FOR

1 An Act eliminating the requirement of an annual permit to
2 acquire a pistol or revolver.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1783HH (3) 84
rh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 220 - Introduced continued

PAG LIN

1 1 Section 1. Section 724.11A, Code 2011, is amended to read
1 2 as follows:

1 3 724.11A Recognition.

1 4 A valid permit or license issued by another state to any
1 5 nonresident of this state shall be considered to be a valid
1 6 permit or license to carry weapons issued pursuant to this
1 7 chapter, ~~except that such permit or license shall not be~~

~~1 8 considered to be a substitute for an annual permit to acquire~~
~~1 9 pistols or revolvers issued pursuant to section 724.15.~~

1 10 Sec. 2. Section 724.21A, Code 2011, is amended to read as
1 11 follows:

1 12 724.21A Denial, suspension, or revocation of permit to carry
1 13 weapons ~~or permit to acquire pistols or revolvers.~~

1 14 1. In any case where the sheriff or the commissioner of
1 15 public safety denies an application for or suspends or revokes
1 16 a permit to carry weapons, ~~or an annual permit to acquire~~
~~1 17 pistols or revolvers,~~ the sheriff or commissioner shall provide
1 18 a written statement of the reasons for the denial, suspension,
1 19 or revocation and the applicant or permit holder shall have the
1 20 right to appeal the denial, suspension, or revocation to an
1 21 administrative law judge in the department of inspections and
1 22 appeals within thirty days of receiving written notice of the
1 23 denial, suspension, or revocation.

1 24 2. The applicant or permit holder may file an appeal with
1 25 an administrative law judge by filing a copy of the denial,
1 26 suspension, or revocation notice with a written statement that
1 27 clearly states the applicant's reasons rebutting the denial,
1 28 suspension, or revocation along with a fee of ten dollars.
1 29 Additional supporting information relevant to the proceedings
1 30 may also be included.

1 31 3. The administrative law judge shall, within forty=five
1 32 days of receipt of the request for an appeal, set a hearing
1 33 date. The hearing may be held by telephone or video conference
1 34 at the discretion of the administrative law judge. The
1 35 administrative law judge shall receive witness testimony and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 220 - Introduced continued

2 1 other evidence relevant to the proceedings at the hearing. The
2 2 hearing shall be conducted pursuant to chapter 17A.

2 3 4. Upon conclusion of the hearing, the administrative law
2 4 judge shall order that the denial, suspension, or revocation
2 5 of the permit be either rescinded or sustained. An applicant,
2 6 permit holder, or issuing officer aggrieved by the final
2 7 judgment of the administrative law judge shall have the right
2 8 to judicial review in accordance with the terms of the Iowa
2 9 administrative procedure Act, chapter 17A.

2 10 5. The standard of review under this section shall be
2 11 clear and convincing evidence that the issuing officer's
2 12 written statement of the reasons for the denial, suspension, or
2 13 revocation constituted probable cause to deny an application or
2 14 to suspend or revoke a permit.

2 15 6. The department of inspections and appeals shall adopt
2 16 rules pursuant to chapter 17A as necessary to carry out the
2 17 provisions of this section.

2 18 7. In any case where the issuing officer denies an
2 19 application for, or suspends or revokes a permit to carry
2 20 weapons, ~~or an annual permit to acquire pistols or revolvers~~
2 21 solely because of an adverse determination by the national
2 22 instant criminal background check system, the applicant or
2 23 permit holder shall not seek relief under this section but
2 24 may pursue relief of the national instant criminal background
2 25 check system determination pursuant to Pub. L. No. 103=159,
2 26 sections 103(f) and (g) and 104 and 28 C.F.R. { 25.10, or other
2 27 applicable law. The outcome of such proceedings shall be
2 28 binding on the issuing officer.

2 29 Sec. 3. Section 724.27, subsection 1, unnumbered paragraph
2 30 1, Code 2011, is amended to read as follows:

2 31 The provisions of ~~section~~ sections 724.8, ~~section 724.15,~~
~~2 32 subsection 1,~~ and ~~section~~ 724.26 shall not apply to a person
2 33 who is eligible to have the person's civil rights regarding
2 34 firearms restored under section 914.7 if any of the following
2 35 occur:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 220 - Introduced continued

3 1 Sec. 4. REPEAL. Sections 724.15, 724.16, 724.17, 724.18,
3 2 724.19, 724.20, and 724.21, Code 2011, are repealed.

3 3 EXPLANATION

3 4 This bill eliminates the requirement, pursuant to Code
3 5 section 724.15, that a person who acquires ownership of a
3 6 pistol or revolver must apply for and be issued an annual
3 7 permit to acquire a pistol or revolver unless certain
3 8 exceptions apply.

3 9 The bill repeals related Code sections relating to
3 10 permit=to=acquire applications (Code sections 724.17 and
3 11 724.18), issuance requirements and procedures (Code sections
3 12 724.19, 724.20, and 724.21), and a related transfer of
3 13 ownership and penalty provision (Code section 724.16). The
3 14 bill makes conforming changes to Code sections 724.11A
3 15 (recognition of out=of=state permits), 724.21A (provisions
3 16 relating to the denial, suspension, or revocation of permits to
3 17 acquire), and 724.27 (restoration of citizenship rights to a
3 18 person convicted of a felony).

3 19 Current law provides that a person who acquires ownership of
3 20 a pistol or revolver without a valid annual permit to acquire
3 21 pistols or revolvers or a person who transfers ownership of
3 22 a pistol or revolver to a person who does not have in the
3 23 person's possession a valid annual permit to acquire pistols
3 24 or revolvers is guilty of an aggravated misdemeanor, and a
3 25 person who transfers ownership of a pistol or revolver to a
3 26 person that the transferor knows is prohibited from acquiring
3 27 ownership of a pistol or revolver commits a class "D" felony.
3 28 In addition, current law provides that a person who gives a
3 29 false name or presents false identification, or otherwise
3 30 knowingly gives false material information to one from whom the
3 31 person seeks to acquire a pistol or revolver commits a class
3 32 "D" felony.

LSB 1783HH (3) 84

rh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 221 - Introduced

HOUSE FILE

BY ALONS, HUSEMAN, J.
SMITH, BRANDENBURG,
and CHAMBERS

A BILL FOR

1 An Act excluding individual retirement account conversions from
2 the computation of net income and including retroactive
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1104YH (5) 84

tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 221 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 54. Subtract, to the extent included, the
1 4 income from a qualified rollover contribution. For purposes
1 5 of this subsection, "qualified rollover contribution" means
1 6 a distribution to which section 408A(d)(3) of the Internal
1 7 Revenue Code applies.

1 8 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 9 retroactively to January 1, 2011, for tax years beginning on
1 10 or after that date.

1 11 EXPLANATION

1 12 This bill excludes income from the conversion of certain
1 13 individual retirement plans from the individual income tax.

1 14 The federal Internal Revenue Code (IRC) provides certain
1 15 tax=advantaged retirement investment plans known as individual
1 16 retirement accounts (IRAs) and allows for the conversion from
1 17 one type of individual retirement account to another. The IRC
1 18 provides that such a conversion is includable in the taxpayer's
1 19 gross income for purposes of the income tax.

1 20 The bill allows Iowa taxpayers to deduct such income for
1 21 purposes of the state individual income tax.

1 22 The bill applies retroactively to January 1, 2011, for tax
1 23 years beginning on or after that date.

LSB 1104YH (5) 84

tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 222 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 12)

A BILL FOR

1 An Act to prohibit political telephone calls during the
2 nighttime hours and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1182HV (2) 84
jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 222 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.507 Restrictions on telephone
1 2 calls made for campaign purposes.

1 3 1. A person shall not make a telephone call intended
1 4 to urge the recipient to expressly advocate, as defined in
1 5 section 68A.102, subsection 14, paragraph "b", the election
1 6 or defeat of a candidate or the passage or defeat of a ballot
1 7 issue beginning at ten p.m. and ending at eight a.m., central
1 8 standard time or central daylight saving time, as appropriate,
1 9 the next day.

1 10 2. "Telephone call" means a call made using or received on
1 11 a telecommunications service or voice over internet protocol
1 12 service.

1 13 3. A person who violates this section is subject to sections
1 14 68A.701 and 68B.32D.

1 15 EXPLANATION

1 16 This bill would prohibit telephone calls intended to urge
1 17 the recipient to expressly advocate the election or defeat of a
1 18 candidate or the passage or defeat of a ballot issue between
1 19 the hours of 10 p.m. and 8 a.m.

1 20 As provided in Code section 68A.701, a willful violation
1 21 of any provision of the campaign finance chapter is a serious
1 22 misdemeanor punishable by confinement for up to one year and
1 23 a fine of at least \$315 but not more than \$1,875. A variety
1 24 of civil remedies are also available in Code section 68B.32D
1 25 for a violation of Code chapter 68A or rules of the ethics and
1 26 campaign disclosure board, ranging from a reprimand to a civil
1 27 penalty of not more than \$2,000.

LSB 1182HV (2) 84

jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 223 - Introduced

HOUSE FILE
BY WATTS

A BILL FOR

1 An Act relating to filling vacancies in elective city offices.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLSB 1065YH (1) 84
 sc/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 223 - Introduced continued

PAG LIN

1 1 Section 1. Section 372.13, subsection 2, paragraph a,
1 2 unnumbered paragraph 1, Code 2011, is amended to read as
1 3 follows:
1 4 By appointment by the remaining members of the council,
1 5 except that if the remaining members do not constitute a quorum
1 6 of the full membership, paragraph "b" shall be followed. The
1 7 appointment shall be made within forty days after the vacancy
1 8 occurs and shall be for the period until the next ~~pending~~
~~1 9 election as defined in section 69.12, and shall be made within~~
~~1 10 forty days after the vacancy occurs~~ regular city election,
1 11 unless there is an intervening special election to fill a
1 12 vacancy in another elective city office in that city or there
1 13 is an intervening special election on a city ballot proposition
1 14 for that city, in which case the office shall be placed on
1 15 the ballot at such intervening election and the appointee's
1 16 term of appointment shall be until a successor is elected
1 17 and qualifies. If the council chooses to proceed under this
1 18 paragraph, it shall publish notice in the manner prescribed by
1 19 section 362.3, stating that the council intends to fill the
1 20 vacancy by appointment but that the electors of the city or
1 21 ward, as the case may be, have the right to file a petition
1 22 requiring that the vacancy be filled by a special election.
1 23 The council may publish notice in advance if an elected
1 24 official submits a resignation to take effect at a future date.
1 25 The council may make an appointment to fill the vacancy after
1 26 the notice is published or after the vacancy occurs, whichever
1 27 is later. However, if within fourteen days after publication
1 28 of the notice or within fourteen days after the appointment
1 29 is made, there is filed with the city clerk a petition which
1 30 requests a special election to fill the vacancy, an appointment
1 31 to fill the vacancy is temporary and the council shall call
1 32 a special election to fill the vacancy permanently, under
1 33 paragraph "b". The number of signatures of eligible electors of
1 34 a city for a valid petition shall be determined as follows:

1 35 EXPLANATION



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 223 - Introduced continued

2 1 This bill makes changes relating to filling a vacancy in an
2 2 elective city office.
2 3 The bill specifies that if an appointment is made to
2 4 fill a vacancy in an elective city office, the term of
2 5 appointment runs until the next regular city election, unless
2 6 an intervening special election on a city ballot proposition
2 7 or to fill another vacancy in an elective city office is held,
2 8 and, in that case, the vacancy shall be filled at such special
2 9 election.

LSB 1065YH (1) 84

sc/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 224 - Introduced

HOUSE FILE
BY HEATON

A BILL FOR

1 An Act providing for implementation of a voluntary licensure
2 system for certain home-based child care providers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1136YH (2) 84
jp/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 224 - Introduced continued

PAG LIN

1 1 Section 1. Section 237A.12, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 6. The department shall develop
1 4 and implement a voluntary system for licensing of child
1 5 development home providers in lieu of registration. All of
1 6 the requirements applicable to a registered child development
1 7 home, including but not limited to the record checks under
1 8 section 237A.5, shall apply to a child care provider that
1 9 elects to become a licensed child development home. However,
1 10 the requirements may be modified as deemed appropriate by the
1 11 department to improve quality while protecting the safety
1 12 of children. The standards under the voluntary licensing
1 13 system may include but are not limited to acceptance of a
1 14 provider's appropriate national accreditation, providing annual
1 15 and unannounced inspection visits, and requiring elements of
1 16 the voluntary child care quality rating system under section
1 17 237A.30.

1 18 EXPLANATION

1 19 This bill requires the department of human services to
1 20 develop and implement a voluntary system for licensing of
1 21 child development home providers in lieu of registration.
1 22 The existing requirements applicable to a registered child
1 23 development home remain applicable but may be modified as
1 24 deemed appropriate by the department to improve quality while
1 25 protecting the safety of children. The bill lists various
1 26 elements that may be addressed in the standards for licensure.

LSB 1136YH (2) 84

jp/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 225 - Introduced

HOUSE FILE
BY HEATON

A BILL FOR

1 An Act relating to the disclosure of relationships with
2 pharmaceutical manufacturers by members of the medical
3 assistance pharmaceutical and therapeutics committee and the
4 drug utilization review commission.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1135YH (4) 84
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 225 - Introduced continued

PAG LIN

1 1 Section 1. Section 249A.20A, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. A member of the committee shall disclose
1 4 to the department, in a format and in accordance with a
1 5 schedule prescribed by rule of the department, any financial
1 6 relationship or affiliation with a pharmaceutical manufacturer
1 7 including but not limited to any payments or contributions for
1 8 lectures, consulting, research, or other services.

1 9 Sec. 2. Section 249A.24, Code 2011, is amended by adding the
1 10 following new subsection:

1 11 NEW SUBSECTION. 4. A member of the commission shall
1 12 disclose to the department, in a format and in accordance with
1 13 a schedule prescribed by rule of the department, any financial
1 14 relationship or affiliation with a pharmaceutical manufacturer
1 15 including but not limited to any payments or contributions for
1 16 lectures, consulting, research, or other services.

1 17 EXPLANATION

1 18 This bill requires a member of the medical assistance
1 19 pharmaceutical and therapeutics committee or a member of the
1 20 medical assistance drug utilization review commission to
1 21 disclose to the department of human services any financial
1 22 relationship or affiliation with a pharmaceutical manufacturer
1 23 including but not limited to any payments or contributions for
1 24 lectures, consulting, research, or other services. The members
1 25 are to disclose the information in a format and in accordance
1 26 with a schedule prescribed by rule of the department of human
1 27 services.

LSB 1135YH (4) 84

pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 226 - Introduced

HOUSE FILE

BY SWEENEY, FORRISTALL,
DRAKE, WORTHAN,
CHAMBERS, SODERBERG,
ALONS, SCHULTE,
RAYHONS, HUSEMAN,
ANDERSON, HORBACH,
VAN ENGELLENHOVEN,
J. TAYLOR, WINDSCHITL,
L. MILLER, DEYOE,
LOFGREN, and IVERSON

A BILL FOR

1 An Act relating to secondary level career and technical
2 endorsements for persons holding a standard, master
3 educator, or permanent professional teaching license and
4 including effective date and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2153YH (3) 84
kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 226 - Introduced continued

PAG LIN

1 1 Section 1. CONDITIONAL SECONDARY LEVEL CAREER AND TECHNICAL
1 2 ENDORSEMENT. A person who holds a standard, master educator,
1 3 or permanent professional teaching license and who applies
1 4 for a secondary level career and technical endorsement is
1 5 exempt from the requirements of 282 IAC 17.1 if the person has
1 6 demonstrated career and technical competence in an industrial,
1 7 trade, or technical field by completion of a minimum of five
1 8 thousand hours of practical, hands=on experience by July 1,
1 9 2011, in the area in which the endorsement is sought. However,
1 10 a person who receives an endorsement pursuant to this section
1 11 is subject to rules adopted by the board of educational
1 12 examiners relating to licensure or endorsement renewal.
1 13 Sec. 2. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
1 14 Act, being deemed of immediate importance, takes effect
1 15 upon enactment and applies to licensed teachers who meet the
1 16 conditions specified in the Act and who submit an application
1 17 for an endorsement to the board of educational examiners in
1 18 accordance with the Act during the fiscal period beginning on
1 19 the effective date of this Act and ending June 30, 2012.

1 20 EXPLANATION

1 21 This bill makes a licensed teacher who has demonstrated
1 22 career and technical competence in an industrial, trade, or
1 23 technical field, by completion of a minimum of 5,000 hours
1 24 of practical, hands=on experience in the area in which the
1 25 endorsement is sought prior to July 1, 2011, eligible to
1 26 receive the endorsement without meeting coursework or other
1 27 requirements for career and technical endorsements specified
1 28 in rules adopted by the board of educational examiners
1 29 for teaching at the secondary level. Those who receive
1 30 an endorsement under this provision pursuant to the bill
1 31 are subject to rules adopted by the board for license or
1 32 endorsement renewal.
1 33 The bill takes effect upon enactment and applies to licensed
1 34 teachers who apply for the endorsement from the effective date
1 35 of the Act through June 30, 2012.

LSB 2153YH (3) 84

kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 227 - Introduced

HOUSE FILE
BY WATTS

A BILL FOR

1 An Act deleting provisions requiring submission of an annual
2 greenhouse gas emissions report by the department of natural
3 resources.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1646YH (3) 84
rn/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 227 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.104, subsection 4, Code 2011, is
1 2 amended by striking the subsection.
1 3 EXPLANATION
1 4 This bill deletes provisions which required the department
1 5 of natural resources to submit by December 31 annually a
1 6 report to the governor and the general assembly regarding the
1 7 greenhouse gas emissions in the state during the previous
1 8 calendar year and forecasting trends in such emissions. The
1 9 requirement was stated in separate Code provisions. Code
1 10 section 455B.851, subsection 9, contained this general
1 11 requirement, but is repealed effective July 1, 2011. Code
1 12 section 455B.104, subsection 4, mirrored this provision and
1 13 further stated that the first submission shall be filed by
1 14 December 31, 2011, for the calendar year beginning January 1,
1 15 2010. The bill deletes this subsection.
LSB 1646YH (3) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 228 - Introduced

HOUSE FILE
BY WATTS

A BILL FOR

1 An Act relating to greenhouse gas emissions by deleting
2 specific references to such emissions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1635YH (5) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 228 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.104, subsections 3 and 4, Code 2011,
1 2 are amended to read as follows:

1 3 3. The department may periodically forward recommendations
1 4 to the commission designed to encourage the reduction of
1 5 statewide ~~greenhouse~~ gas emissions.

1 6 4. By December 31 of each year, the department shall submit
1 7 a report to the governor and the general assembly regarding
1 8 the ~~greenhouse~~ gas emissions in the state during the previous
1 9 calendar year and forecasting trends in such emissions. The
1 10 first submission by the department shall be filed by December
1 11 31, 2011, for the calendar year beginning January 1, 2010.

1 12 Sec. 2. Section 455B.131, subsection 7, Code 2011, is
1 13 amended by striking the subsection.

1 14 Sec. 3. Section 455B.134, subsection 3, paragraph d,
1 15 subparagraph (2), Code 2011, is amended to read as follows:

1 16 (2) In applications for conditional permits for electric
1 17 power generating facilities, the applicant shall quantify the
1 18 potential to emit ~~greenhouse~~ gas emissions due to the proposed
1 19 project.

1 20 Sec. 4. Section 455B.134, subsection 3, paragraph g, Code
1 21 2011, is amended to read as follows:

1 22 g. All applications for construction permits or prevention
1 23 of significant deterioration permits shall quantify the
1 24 potential to emit ~~greenhouse~~ gas emissions due to the proposed
1 25 project.

1 26 Sec. 5. Section 455B.152, Code 2011, is amended to read as
1 27 follows:

1 28 455B.152 ~~Greenhouse gas~~ Gas inventory and registry.

1 29 ~~1. Definitions. For purposes of this section, "greenhouse~~
~~1 30 gas" means carbon dioxide, methane, nitrous oxide,~~
~~1 31 hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.~~

1 32 ~~2. 1. Greenhouse gas~~ Gas inventory.

1 33 a. ~~By January 1, 2008, the~~ The department shall establish a
1 34 method for collecting data from producers of ~~greenhouse~~ gases
1 35 regarding generated ~~greenhouse~~ gases. The data collection



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 228 - Introduced continued

2 1 method shall provide for mandatory reporting to collect
2 2 information from affected entities individually and shall
2 3 include information regarding the amount and type of ~~greenhouse~~
2 4 gases generated, the type of source, and other information
2 5 deemed relevant by the department in developing a baseline
2 6 measure of ~~greenhouse~~ gases produced in the state.
2 7 b. The department may allow a series of reporting
2 8 requirements to be phased in over a period of time and may
2 9 provide for phasing in by producer sector, geographic area,
2 10 size of producer, or other factors. The reporting requirements
2 11 shall apply to the departments, agencies, boards, and
2 12 commissions of the state, in addition to any other entities
2 13 subject to the reporting requirements established by the
2 14 department.
2 15 c. The department shall coordinate the data collection
2 16 with the United States environmental protection agency upon
2 17 the enactment of a federal mandatory ~~greenhouse~~ gas emission
2 18 reporting rule.
2 19 ~~3.~~ 2. ~~Greenhouse gas~~ Gas registry.
2 20 a. The department shall establish a voluntary ~~greenhouse~~
2 21 gas registry for purposes of cooperating with other states in
2 22 tracking, managing, and crediting entities in the state that
2 23 reduce their generation of ~~greenhouse~~ gases or that provide
2 24 increased energy efficiency.
2 25 b. The department shall develop a mechanism to coordinate
2 26 the information obtained in the ~~greenhouse~~ gas inventory with
2 27 the ~~greenhouse~~ gas registry.
2 28 ~~4.~~ 3. Availability. By January 1, ~~2009~~ 2013, the
2 29 ~~greenhouse~~ gas registry shall be made available on an internet
2 30 website.
2 31 Sec. 6. Section 455B.199A, subsection 1, Code 2011, is
2 32 amended to read as follows:
2 33 1. The department may allow schedules of compliance to
2 34 be included in permits whenever authorized by federal law
2 35 or regulations. Such schedules shall be established to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 228 - Introduced continued

3 1 maximize benefits and minimize local financial impact while
3 2 improving water quality, where such opportunities arise. If
3 3 information is provided showing that the anticipated costs of
3 4 compliance with a schedule have no reasonable relationship to
3 5 environmental or public health needs or benefits, or may result
3 6 in other detrimental environmental impacts, such as significant
3 7 ~~greenhouse~~ gas emissions, the projects may be deferred, in
3 8 whole or in part as determined appropriate by the department,
3 9 and a variance granted, as consistent with applicable federal
3 10 law or regulations.

3 11 Sec. 7. Section 455J.1, subsection 2, paragraph d, Code
3 12 2011, is amended to read as follows:

3 13 d. Environmental management systems mitigate the climate
3 14 change impacts of solid waste disposal by reducing the amount
3 15 of ~~greenhouse~~ gases released into the atmosphere. In addition,
3 16 environmental management systems improve water quality by
3 17 limiting and treating the impacts of leachate disposal and
3 18 by providing positive examples of sustainable water resource
3 19 management.

3 20 Sec. 8. Section 455J.3, subsections 4 and 6, Code 2011, are
3 21 amended to read as follows:

3 22 4. ~~Greenhouse gas~~ Gas reduction. Implement a ~~greenhouse~~ gas
3 23 reduction program designed to prevent the release of ~~greenhouse~~
3 24 gases into the atmosphere. Such a program may include but is
3 25 not limited to the following activities:

3 26 a. Generating electricity or producing other fuels through
3 27 the collection of landfill gas, such as a methane gas recovery
3 28 or minimization system.

3 29 b. Collecting and managing food and other organic waste from
3 30 households and from industrial and commercial establishments,
3 31 or attempting to recover energy from the reuse of biomass.

3 32 c. Implementing programs that encourage the efficient use of
3 33 energy and promote the use of renewable fuels.

3 34 d. Discouraging the uncontrolled burning of solid waste and
3 35 yard waste.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 228 - Introduced continued

4 1 e. Setting recycling goals to measure energy savings and
4 2 quantify the level of success of ~~greenhouse~~ gas mitigation
4 3 efforts.

4 4 f. Collection and recycling services targeted at waste
4 5 generated by industrial and commercial facilities such as
4 6 cardboard, paper, construction, and demolition waste.

4 7 6. Environmental education. Plan and implement programs
4 8 educating the public on environmental stewardship. These
4 9 programs may include components designed to prevent illegal
4 10 dumping, reduce ~~greenhouse~~ gas emissions, improve water
4 11 quality, reduce waste generation, increase recycling and reuse,
4 12 or any other environmental objective that furthers the purpose
4 13 and goals of this chapter.

4 14 Sec. 9. Section 469.4, subsection 2, Code 2011, is amended
4 15 to read as follows:

4 16 2. The plan shall provide cost-effective options and
4 17 strategies for reducing the state's consumption of energy,
4 18 dependence on foreign sources of energy, use of fossil fuels,
4 19 and ~~greenhouse~~ gas emissions. The options and strategies
4 20 developed in the plan shall provide for achieving energy
4 21 independence from foreign sources of energy by the year 2025.
4 22 The plan shall include a review of a range of energy sources
4 23 including nuclear power.

4 24 Sec. 10. Section 469.4, subsection 4, paragraph f, Code
4 25 2011, is amended to read as follows:

4 26 f. Reduce ~~greenhouse~~ gas emissions, both on an aggregate and
4 27 per capita basis.

4 28 Sec. 11. Section 469.6, subsection 1, paragraph e, Code
4 29 2011, is amended to read as follows:

4 30 e. Seven members appointed by the governor subject
4 31 to confirmation by the senate. All appointees shall
4 32 represent nonpublic organizations or businesses, or research
4 33 institutions, and must demonstrate experience or expertise
4 34 in one or more of the fields of renewable energy, renewable
4 35 fuels, agribusiness, energy efficiency, ~~greenhouse~~ gas



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 228 - Introduced continued

5 1 reductions, utility operations, research and development of new
5 2 technologies, commercialization of new technologies, economic
5 3 development, and finance.

5 4 Sec. 12. Section 469.9, subsection 2, Code 2011, is amended
5 5 to read as follows:

5 6 2. The fund shall be used to further the goals of
5 7 increasing the research, development, production, and use of
5 8 biofuels and other sources of renewable energy, improving
5 9 energy efficiency, and reducing ~~greenhouse~~ gas emissions,
5 10 and shall encourage, support, and provide for research,
5 11 development, commercialization, and the implementation of
5 12 energy technologies and practices. The technologies and
5 13 practices should reduce this state's dependence on foreign
5 14 sources of energy and fossil fuels. The research, development,
5 15 commercialization, implementation, and distribution of
5 16 such technologies and practices are intended to sustain the
5 17 environment and develop business in this state as Iowans market
5 18 these technologies and practices to the world.

5 19 Sec. 13. Section 469.9, subsection 4, paragraph b,
5 20 subparagraph (3), Code 2011, is amended to read as follows:

5 21 (3) Reduction of ~~greenhouse~~ gas emissions and carbon
5 22 sequestration.

5 23 Sec. 14. Section 473.7, subsection 1, paragraph e, Code
5 24 2011, is amended to read as follows:

5 25 e. The impact of meeting Iowa's energy needs on the
5 26 environment of the state, including the impact of energy
5 27 production and use on ~~greenhouse~~ gas emissions.

5 28 EXPLANATION

5 29 This bill deletes Code references to "greenhouse gas"
5 30 or "greenhouse gases" with respect to the monitoring and
5 31 regulation of greenhouse gas emissions, substituting instead
5 32 the more generic "gas" or "gases" with respect to such
5 33 emissions, with regard to references not otherwise subject
5 34 to repeal effective July 1, 2011. The bill changes the date
5 35 by which what is currently referred to as a greenhouse gas



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 228 - Introduced continued

6 1 registry, and is changed in the bill to a gas registry, is to
6 2 be made available on an internet website from January 1, 2009,
6 3 to January 1, 2013.

LSB 1635YH (5) 84

rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 229 - Introduced

HOUSE FILE
BY CHAMBERS

A BILL FOR

1 An Act excluding from the computation of net income military
2 retirement benefits of certain retired veterans and
3 including retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2067YH (4) 84
tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 229 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 41. Subtract, to the extent included, the
1 4 amount of military retirement benefits received by a retired
1 5 veteran. For purposes of this subsection, "retired veteran"
1 6 means a person who has performed active duty military service
1 7 in the United States armed forces, armed forces military
1 8 reserve, or national guard and who performed such service for a
1 9 period of twenty years or more.

1 10 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 11 retroactively to January 1, 2011, for tax years beginning on
1 12 or after that date.

1 13 EXPLANATION

1 14 This bill provides an exclusion from the computation of net
1 15 income (also known as an above-the-line deduction) for the
1 16 military retirement benefits received by retired veterans.
1 17 To qualify for the deduction, a taxpayer must have performed
1 18 active duty military service in the United States armed forces,
1 19 armed forces military reserve, or national guard and have
1 20 performed such service for a period of twenty years or more.

1 21 The bill applies retroactively to January 1, 2011, for tax
1 22 years beginning on or after that date.

LSB 2067YH (4) 84

tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 230 - Introduced

HOUSE FILE
BY WAGNER

(COMPANION TO SF 54 BY
DANDEKAR)

A BILL FOR

1 An Act allowing the operation of certain motorboats on lake
2 Macbride at any time.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1615YH (3) 84
av/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 230 - Introduced continued

PAG LIN

1 1 Section 1. Section 462A.31, subsection 1, paragraph b, Code
1 2 2011, is amended to read as follows:
1 3 b. A motorboat equipped with any power unit mounted
1 4 or carried aboard the vessel may be operated at a no-wake
1 5 speed on all artificial lakes of more than one hundred acres
1 6 in size under the custody of the department. ~~However, on~~
~~1 7 lake Macbride, a motorboat with a power unit exceeding ten~~
~~1 8 horsepower may be operated only when permitted by rule and~~
~~1 9 the rule shall not authorize such use during the period~~
~~1 10 beginning on the Friday before Memorial Day and ending on Labor~~
~~1 11 Day inclusively.~~ This paragraph does not limit motorboat
1 12 horsepower on natural lakes under the custody of the department
1 13 or limit the department's authority to establish special speed
1 14 zoning regulations.

1 15 EXPLANATION

1 16 This bill amends Code section 462A.31(1)(b) to allow
1 17 the operation of motorboats with power units exceeding 10
1 18 horsepower at any time on lake Macbride.

LSB 1615YH (3) 84

av/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 231 - Introduced

HOUSE FILE
BY WILLEMS

A BILL FOR

1 An Act relating to public access to audio recordings of 911
2 telephone calls.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1352YH (3) 84
rn/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 231 - Introduced continued

PAG LIN

1 1 Section 1. Section 22.7, subsection 5, Code 2011, is amended
1 2 to read as follows:

1 3 5. Peace officers' investigative reports, and specific
1 4 portions of electronic mail and telephone billing records of
1 5 law enforcement agencies if that information is part of an
1 6 ongoing investigation, except where disclosure is authorized
1 7 elsewhere in this Code. However, the date, time, specific
1 8 location, and immediate facts and circumstances surrounding a
1 9 crime or incident shall not be kept confidential under this
1 10 section, except in those unusual circumstances where disclosure
1 11 would plainly and seriously jeopardize an investigation or pose
1 12 a clear and present danger to the safety of an individual.
1 13 An audio recording received by an emergency 911 notification
1 14 device, as defined in section 34A.2, that conveys the date,
1 15 time, specific location, or immediate facts or circumstances
1 16 surrounding a crime or incident, and is otherwise not
1 17 considered confidential under this section, shall be kept
1 18 confidential but a written transcript of the audio recording
1 19 shall not be kept confidential. To the extent that a 911
1 20 audio recording may convey the date, time, specific location,
1 21 and immediate facts and circumstances surrounding a crime or
1 22 incident, and otherwise be considered not confidential under
1 23 this section, only a written transcript of the audio recording
1 24 shall be considered a public record. Specific portions of
1 25 electronic mail and telephone billing records may only be
1 26 kept confidential under this subsection if the length of time
1 27 prescribed for commencement of prosecution or the finding of
1 28 an indictment or information under the statute of limitations
1 29 applicable to the crime that is under investigation has not
1 30 expired.

1 31 Sec. 2. Section 22.7, subsection 18, paragraph c, Code 2011,
1 32 is amended to read as follows:

1 33 c. Information contained in the communication is a public
1 34 record to the extent that it indicates the date, time, specific
1 35 location, and immediate facts and circumstances surrounding



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House File 231 - Introduced continued

2 1 the occurrence of a crime or other illegal act, except to
2 2 the extent that its disclosure would plainly and seriously
2 3 jeopardize a continuing investigation or pose a clear and
2 4 present danger to the safety of any person. An audio recording
2 5 received by an emergency 911 notification device, as defined
2 6 in section 34A.2, that conveys the date, time, specific
2 7 location, or immediate facts or circumstances surrounding
2 8 a crime or incident, and is otherwise not considered
2 9 confidential under this section, shall be kept confidential
2 10 but a written transcript of the audio recording shall not be
2 11 kept confidential. To the extent that a 911 audio recording
2 12 may convey the date, time, specific location, and immediate
2 13 facts and circumstances surrounding a crime or other illegal
2 14 act, and otherwise be considered not confidential under this
2 15 section, only a written transcript of the audio recording shall
2 16 be considered a public record. In any action challenging the
2 17 failure of the lawful custodian to disclose any particular
2 18 information of the kind enumerated in this paragraph, the
2 19 burden of proof is on the lawful custodian to demonstrate that
2 20 the disclosure of that information would jeopardize such an
2 21 investigation or would pose such a clear and present danger.

2 22 EXPLANATION

2 23 This bill relates to provisions currently contained in Code
2 24 section 22.7, dealing with confidential public records.
2 25 Code section 22.7, subsection 5, provides that peace
2 26 officers' investigative reports, and specific portions
2 27 of electronic mail and telephone billing records of law
2 28 enforcement agencies are to be regarded as confidential if
2 29 that information is part of an ongoing investigation unless
2 30 disclosure is authorized elsewhere in the Code. There is
2 31 an exception providing for public access to the disclosure
2 32 of the date, time, specific location, and immediate facts
2 33 and circumstances surrounding a crime or incident except
2 34 where disclosure would plainly and seriously jeopardize an
2 35 investigation or pose a clear and present danger to the safety



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House File 231 - Introduced continued

3 1 of an individual.

3 2 Similarly, Code section 22.7, subsection 18, confers
3 3 confidential status on communications not required by law,
3 4 rule, procedure, or contract made to a government body or
3 5 to any of its employees by identified persons outside of
3 6 government, to the extent that the government body receiving
3 7 those communications from such persons outside of government
3 8 could reasonably believe that those persons would be
3 9 discouraged from making them to that government body if they
3 10 were available for general public examination. Exceptions
3 11 providing for public access include information conveying
3 12 the date, time, specific location, and immediate facts and
3 13 circumstances surrounding the occurrence of a crime or other
3 14 illegal act, except to the extent that its disclosure would
3 15 plainly and seriously jeopardize a continuing investigation or
3 16 pose a clear and present danger to the safety of any person.

3 17 In both instances, the bill provides that an audio
3 18 recording received by an emergency 911 notification device,
3 19 as defined in Code section 34A.2, that conveys the date,
3 20 time, specific location, or immediate facts or circumstances
3 21 surrounding a crime or incident, and is otherwise not
3 22 considered confidential, shall be kept confidential but a
3 23 written transcript of the audio recording shall not be kept
3 24 confidential.

LSB 1352YH (3) 84

rn/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Joint Resolution 11 - Introduced

HOUSE JOINT RESOLUTION
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HJR 2)

HOUSE JOINT RESOLUTION

1 A Joint Resolution nullifying an administrative rule of the
2 Iowa finance authority relating to the Iowa jobs program,
3 and including an effective date provision.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1504HV (1) 84
jr/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Joint Resolution 11 - Introduced continued

PAG LIN

1 1 Section 1. 265 Iowa administrative code, rule 32.6, subrule
1 2 3, is nullified.

1 3 Sec. 2. EFFECTIVE UPON ENACTMENT. This joint resolution,
1 4 being deemed of immediate importance, takes effect upon
1 5 enactment.

1 6 EXPLANATION

1 7 This joint resolution nullifies 265 IAC, rule 32.6(3)
1 8 requiring signage at each Iowa jobs program project site
1 9 stating that the project was made possible, in part, through
1 10 a grant from the Iowa jobs program, and featuring a permanent
1 11 acknowledgment, such as a plaque or a similar commemoration on
1 12 the completed project.

1 13 The joint resolution takes effect upon enactment.

LSB 1504HV (1) 84

jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 74

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL
PROTECTION BILL BY
CHAIRPERSON OLSON)

A BILL FOR

1 An Act relating to recycling by repealing beverage container
2 control laws, increasing littering fines, changing waste
3 volume reduction goals, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2265YC (2) 84
tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 74 continued

PAG LIN

1 1 DIVISION I
1 2 BOTTLE BILL REPEAL
1 3 Section 1. Section 123.24, subsection 5, Code 2011, is
1 4 amended to read as follows:
1 5 5. Notwithstanding subsection 4, the division shall assess
1 6 a bottle surcharge to be included in the price of alcoholic
1 7 liquor in an amount sufficient, ~~when added to the amount not~~
~~1 8 refunded to class "E" liquor control licensees pursuant to~~
~~1 9 section 455C.2,~~ to pay the costs incurred by the division for
1 10 collecting and properly disposing of the liquor containers.
1 11 The amount collected pursuant to this subsection, ~~in addition~~
~~1 12 to any amounts not refunded to class "E" liquor control~~
~~1 13 licensees pursuant to section 455C.2,~~ shall be deposited in the
1 14 beer and liquor control fund established under section 123.53.
1 15 Sec. 2. Section 123.26, Code 2011, is amended to read as
1 16 follows:
1 17 123.26 Restrictions on sales ==== seals ==== labeling.
1 18 Alcoholic liquor shall not be sold by a class "E" liquor
1 19 control licensee except in a sealed container with identifying
1 20 markers as prescribed by the administrator and affixed in the
1 21 manner prescribed by the administrator, and no such container
1 22 shall be opened upon the premises of a state warehouse. ~~The~~
~~1 23 division shall cooperate with the department of natural~~
~~1 24 resources so that only one identifying marker or mark is needed~~
~~1 25 to satisfy the requirements of this section and section 455C.5,~~
~~1 26 subsection 1.~~ Possession of alcoholic liquors which do not
1 27 carry the prescribed identifying markers is a violation of this
1 28 chapter except as provided in section 123.22.
1 29 Sec. 3. Section 123.187, subsection 4, paragraph b, Code
1 30 2011, is amended by striking the paragraph.
1 31 Sec. 4. Section 423.6, subsection 3, paragraph a, Code 2011,
1 32 is amended to read as follows:
1 33 a. Any tangible personal property including containers which
1 34 it is intended shall, by means of fabrication, compounding,
1 35 manufacturing, or germination, become an integral part of other



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 74 continued

2 1 tangible personal property intended to be sold ultimately at
2 2 retail, ~~and containers used in the collection, recovery, or~~
~~2 3 return of empty beverage containers subject to chapter 455C.~~
2 4 Sec. 5. Section 455A.4, subsection 1, paragraph b, Code
2 5 2011, is amended to read as follows:
2 6 b. Provide overall supervision, direction, and coordination
2 7 of functions to be administered by the administrators under
2 8 chapters 321G, 321I, 455B, ~~455C~~, 456, 456A, 456B, 457A, 458A,
2 9 459, 459A, 459B, 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,
2 10 483A, 484A, and 484B.
2 11 Sec. 6. Section 455A.6, subsection 6, paragraphs a, b, and
2 12 d, Code 2011, are amended to read as follows:
2 13 a. Establish policy for the department and adopt rules,
2 14 pursuant to chapter 17A, necessary to provide for the effective
2 15 administration of chapter 455B, ~~455C~~, or 459.
2 16 b. Hear appeals in contested cases pursuant to chapter 17A
2 17 on matters relating to actions taken by the director under
2 18 chapter ~~455C~~, 458A, 464B, or 473.
2 19 d. Approve the budget request prepared by the director
2 20 for the programs authorized by chapters 455B, ~~455C~~, 455E,
2 21 455F, 455H, and 459, subchapters II and III. The commission
2 22 shall approve the budget request prepared by the director for
2 23 programs subject to the rulemaking authority of the commission.
2 24 The commission may increase, decrease, or strike any item
2 25 within the department budget request for the specified programs
2 26 before granting approval.
2 27 Sec. 7. Section 455B.313, subsection 1, Code 2011, is
2 28 amended to read as follows:
2 29 1. ~~A distributor as defined in section 455C.1, subsection~~
~~2 30 9,~~ shall not sell or offer to sell any beverage container
2 31 if the beverage container is connected to another beverage
2 32 container by a device constructed of a material which is
2 33 not biodegradable or photodegradable. For purposes of this
2 34 section, "distributor" means any person who engages in the sale
2 35 of beverages in beverage containers to a dealer in this state,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 74 continued

3 1 including any manufacturer who engages in such sales.

3 2 Sec. 8. NEW SECTION. 455D.17 Beverage containers ===
3 3 disposal at sanitary landfill prohibited.

3 4 The final disposal of beverage containers, as defined in
3 5 section 455B.301, in a sanitary landfill is prohibited.

3 6 Sec. 9. REPEAL. Chapter 455C, Code 2011, is repealed.

3 7 DIVISION II

3 8 LITTERING FINES ==== LITTER CLEANUP GRANTS

3 9 Sec. 10. NEW SECTION. 455B.326 Litter cleanup grant fund.

3 10 1. A litter cleanup grant fund is created in the state
3 11 treasury under the control of the department consisting of
3 12 moneys deposited in the fund pursuant to section 602.8108,
3 13 subsection 9, moneys appropriated by the general assembly, and
3 14 any other money available to and obtained or accepted by the
3 15 department for placement in the fund.

3 16 2. Moneys in the fund are appropriated to the department
3 17 for purposes of providing grants to nonprofit organizations for
3 18 litter cleanup activities in neighborhoods and along highways.

3 19 3. Moneys credited to the fund are not subject to section
3 20 8.33. Notwithstanding section 12C.7, interest or earnings on
3 21 moneys in the fund shall be credited to the fund.

3 22 Sec. 11. Section 602.8108, subsection 9, Code 2011, is
3 23 amended to read as follows:

3 24 9. The state court administrator shall allocate ~~fifty one~~
3 25 hundred percent of all of the fines attributable to littering
3 26 citations issued pursuant to sections 321.369, 321.370, and
3 27 461A.43 to the treasurer of state for deposit in the general
3 28 fund of the state ~~and~~. Fifty percent of such moneys are
3 29 appropriated to the ~~state~~ department of transportation for
3 30 purposes of the cleanup of litter and illegally discarded solid
3 31 waste and fifty percent of such moneys are appropriated to
3 32 the department of natural resources for deposit in the litter
3 33 cleanup grant fund created in section 455B.326.

3 34 Sec. 12. Section 805.8A, subsection 14, paragraph d, Code
3 35 2011, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 74 continued

4 1 d. Litter and debris violations. For violations under
4 2 sections 321.369 and 321.370, the scheduled fine is ~~seventy one~~
4 3 hundred fifty dollars.

4 4 Sec. 13. Section 805.8B, subsection 6, paragraph e, Code
4 5 2011, is amended to read as follows:

4 6 e. For violations under section 461A.43, the scheduled fine
4 7 is ~~thirty~~ seventy=five dollars.

4 8 DIVISION III

4 9 WASTE REDUCTION GOALS

4 10 Sec. 14. Section 455B.310, subsection 4, unnumbered
4 11 paragraph 1, Code 2011, is amended to read as follows:

4 12 If a planning area achieves the ~~fifty sixty~~ percent waste
4 13 reduction goal provided in section 455D.3, ninety=five cents of
4 14 the tonnage fee shall be retained by a city, county, or public
4 15 or private agency. If the ~~fifty sixty~~ percent waste reduction
4 16 goal has not been met, one dollar and twenty cents of the
4 17 tonnage fee shall be retained by a city, county, or public or
4 18 private agency. Moneys retained by a city, county, or public
4 19 or private agency shall be used as follows:

4 20 Sec. 15. Section 455B.310, subsection 4, paragraph b, Code
4 21 2011, is amended to read as follows:

4 22 b. If a planning area achieves the ~~fifty sixty~~ percent waste
4 23 reduction goal provided in section 455D.3, forty=five cents of
4 24 the retained funds shall be used for implementing waste volume
4 25 reduction and recycling requirements of comprehensive plans
4 26 filed under section 455B.306. If the ~~fifty sixty~~ percent waste
4 27 reduction goal has not been met, seventy cents of the retained
4 28 funds shall be used for implementing waste volume reduction
4 29 and recycling requirements of comprehensive plans filed under
4 30 section 455B.306. The funds shall be distributed to a city,
4 31 county, or public agency served by the sanitary disposal
4 32 project. Fees collected by a private agency which provides
4 33 for the final disposal of solid waste shall be remitted to the
4 34 city, county, or public agency served by the sanitary disposal
4 35 project. However, if a private agency is designated to develop



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 74 continued

5 1 and implement the comprehensive plan pursuant to section
5 2 455B.306, fees under this paragraph shall be retained by the
5 3 private agency.

5 4 Sec. 16. Section 455B.310, subsection 7, Code 2011, is
5 5 amended to read as follows:

5 6 7. Fees imposed by this section shall be paid to the
5 7 department on a quarterly basis with payment due by no more
5 8 than ninety days following the quarter during which the fees
5 9 were collected. The payment shall be accompanied by a return
5 10 which shall identify the amount of fees to be allocated to
5 11 the landfill alternative financial assistance program, the
5 12 amount of fees, in terms of cents per ton, retained for meeting
5 13 waste reduction and recycling goals under section 455D.3, and
5 14 additional fees imposed for failure to meet the ~~twenty-five~~
~~5 15~~ fifty percent waste reduction and recycling goal under section
5 16 455D.3. Sanitary landfills serving more than one planning area
5 17 shall submit separate reports for each planning area.

5 18 Sec. 17. Section 455D.3, Code 2011, is amended to read as
5 19 follows:

5 20 455D.3 Goals for waste stream reduction ==== procedures ====
5 21 reductions and increases in fees.

5 22 1. Year ~~1994~~ 2016 and ~~2000~~ 2021 goals.

5 23 a. The goal of the state is to reduce the amount of
5 24 materials in the waste stream, existing as of July 1, ~~1988~~
~~5 25~~ 2011, ~~twenty-five~~ fifty percent by July 1, ~~1994~~ 2016, and ~~fifty~~
~~5 26~~ sixty percent by July 1, ~~2000~~ 2021, through the practice of
5 27 waste volume reduction at the source and through recycling.
5 28 For the purposes of this section, "waste stream" means the
5 29 disposal of solid waste as "solid waste" is defined in section
5 30 455B.301.

5 31 b. Notwithstanding section 455D.1, subsection 6, facilities
5 32 which employ combustion of solid waste with energy recovery
5 33 and refuse=derived fuel, which are included in an approved
5 34 comprehensive plan, may include these processes in the
5 35 definition of recycling for the purpose of meeting the state



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 74 continued

6 1 goal if at least thirty=five percent of the waste reduction
6 2 goal, required to be met by July 1, ~~2000~~ 2021, pursuant to
6 3 this section, is met through volume reduction at the source
6 4 and recycling and reuse, as established pursuant to section
6 5 455B.301A, subsection 1, paragraphs "a" and "b".

6 6 2. Projected waste stream ==== year ~~2000~~ 2021. A planning
6 7 area may request the department to allow the planning area to
6 8 project the planning area's waste stream for the year ~~2000~~
~~6 9 2021~~ for purposes of meeting the year ~~2000~~ ~~fifty~~ 2021 sixty
6 10 percent waste volume reduction and recycling goals required
6 11 by this section. The department shall make a determination
6 12 of the eligibility to use this option based upon the annual
6 13 tonnage of solid waste processed by the planning area and
6 14 the population density of the area the planning area serves.
6 15 If the department agrees to allow the planning area to make
6 16 year ~~2000~~ 2021 waste stream projections, the planning area
6 17 shall calculate the year ~~2000~~ 2021 projections and submit the
6 18 projections to the department for approval. The planning area
6 19 shall use data which is current as of July 1, ~~1994~~ 2011, and
6 20 shall take into account population, employment, and industrial
6 21 changes and documented diversions due to existing programs.
6 22 The planning area shall use the departmental methodology to
6 23 calculate the tonnage necessary to be diverted from landfills
6 24 in order to meet the year ~~2000~~ ~~fifty~~ 2021 sixty percent waste
6 25 volume reduction and recycling goals required by this section.
6 26 Once the department approves the year ~~2000~~ 2021 projections,
6 27 the projections shall not be changed prior to the year ~~2001~~
~~6 28 2022~~.

6 29 3. Departmental monitoring.

6 30 a. (1) By October 31, ~~1994~~ 2016, a planning area shall
6 31 submit to the department a solid waste abatement table which is
6 32 updated through June 30, ~~1994~~ 2016. By April 1, ~~1995~~ 2017, the
6 33 department shall report to the general assembly on the progress
6 34 that has been made by each planning area on attainment of the
6 35 July 1, ~~1994~~, ~~twenty-five~~ 2016, fifty percent goal.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 74 continued

7 1 (2) If at any time the department determines that a planning
7 2 area has met or exceeded the ~~twenty-five~~ fifty percent goal,
7 3 but has not met or exceeded the ~~fifty~~ sixty percent goal, a
7 4 planning area shall subtract sixty cents from the total amount
7 5 of the tonnage fee imposed pursuant to section 455B.310. If at
7 6 any time the department determines that a planning area has met
7 7 or exceeded the ~~fifty~~ sixty percent goal, a planning area shall
7 8 subtract fifty cents from the total amount of the tonnage fee
7 9 imposed pursuant to section 455B.310. The reduction in tonnage
7 10 fees pursuant to this paragraph shall be taken from that
7 11 portion of the tonnage fees which would have been allocated for
7 12 funding alternatives to landfills pursuant to section 455E.11,
7 13 subsection 2, paragraph "a", subparagraph (1).

7 14 (3) If the department determines that a planning area
7 15 has failed to meet the July 1, ~~1994, twenty-five~~ 2016, fifty
7 16 percent goal, the planning area shall, at a minimum, implement
7 17 the solid waste management techniques as listed in subsection
7 18 4. Evidence of implementation of the solid waste management
7 19 techniques shall be documented in subsequent comprehensive
7 20 plans submitted to the department.

7 21 b. (1) By October 31, ~~2000~~ 2021, a planning area shall
7 22 submit to the department, a solid waste abatement table which
7 23 is updated through June 30, ~~2000~~ 2021. By April 1, ~~2001~~ 2022,
7 24 the department shall report to the general assembly on the
7 25 progress that has been made by each planning area on attainment
7 26 of the July 1, ~~2000, fifty~~ 2021, sixty percent goal.

7 27 (2) If at any time the department determines that a planning
7 28 area has met or exceeded the ~~fifty~~ sixty percent goal, the
7 29 planning area shall subtract fifty cents from the total amount
7 30 of the tonnage fee imposed pursuant to section 455B.310. This
7 31 amount shall be in addition to any amount subtracted pursuant
7 32 to paragraph "a" of this subsection. The reduction in tonnage
7 33 fees pursuant to this paragraph shall be taken from that
7 34 portion of the tonnage fees which would have been allocated to
7 35 funding alternatives to landfills pursuant to section 455E.11,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 74 continued

8 1 subsection 2, paragraph "a", subparagraph (1). Except for fees
8 2 required under subsection 4, paragraph "a", a planning area
8 3 failing to meet the ~~fifty~~ sixty percent goal is not required to
8 4 remit any additional tonnage fees to the department.
8 5 4. Solid waste management techniques. A planning area
8 6 that fails to meet the ~~twenty-five~~ fifty percent goal shall
8 7 implement the following solid waste management techniques:
8 8 a. Remit fifty cents per ton to the department, as of July
8 9 1, 1995. The funds shall be deposited in the solid waste
8 10 account under section 455E.11, subsection 2, paragraph "a",
8 11 to be used for funding alternatives to landfills pursuant to
8 12 section 455E.11, subsection 2, paragraph "a", subparagraph (1).
8 13 Moneys under this paragraph shall be remitted until such time
8 14 as evidence of attainment of the ~~twenty-five~~ fifty percent goal
8 15 is documented in subsequent comprehensive plans submitted to
8 16 the department.
8 17 b. Notify the public of the planning area's failure to meet
8 18 the waste volume reduction goals of this section, utilizing
8 19 standard language developed by the department for that purpose.
8 20 c. Develop draft ordinances which shall be used by local
8 21 governments for establishing collection fees that are based
8 22 on volume or on the number of containers used for disposal by
8 23 residents.
8 24 d. Conduct an educational and promotional program to inform
8 25 citizens of the manner and benefits of reducing, reusing, and
8 26 recycling materials and the procurement of products made with
8 27 recycled content. The program shall include the following:
8 28 (1) Targeted waste reduction and recycling education for
8 29 residents, including multifamily dwelling complexes having five
8 30 or more units.
8 31 (2) An intensive one=day seminar for the commercial sector
8 32 regarding the benefits of and opportunities for waste reduction
8 33 and recycling.
8 34 (3) Promotion of recycling through targeted community and
8 35 media events.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 74 continued

9 1 (4) Recycling notification and education packets to all new
9 2 residential, commercial, and institutional collection service
9 3 customers that include, at a minimum, the manner of preparation
9 4 of materials for collection, and the reasons for separation of
9 5 materials for recycling.

9 6 5. Environmental management systems. A planning area
9 7 designated as an environmental management system pursuant to
9 8 section 455J.7 is exempt from the waste stream reduction goals
9 9 of this section.

9 10 6. By November 1 of each year, the department shall submit
9 11 a report to the governor and the general assembly regarding the
9 12 progress of planning areas in meeting the waste reduction goals
9 13 of this section.

9 14 EXPLANATION

9 15 This bill relates to recycling by repealing beverage
9 16 container control laws, increasing littering fines, changing
9 17 waste volume reduction goals, and making penalties applicable.
9 18 The bill is organized by divisions.

9 19 BOTTLE BILL REPEAL. This division repeals Code chapter 455C
9 20 relating to the control of beverage containers, more commonly
9 21 known as the bottle bill. The division prohibits the final
9 22 disposal of beverage containers in a sanitary landfill. The
9 23 division makes conforming amendments.

9 24 LITTERING FINES ==== LITTER CLEANUP GRANTS. The division
9 25 increases the scheduled fines for littering and placing
9 26 debris on public highways from \$70 to \$150 and increases the
9 27 scheduled fine for littering in a state park or preserve from
9 28 \$30 to \$75. Currently, 50 percent of both scheduled fines
9 29 are deposited in the general fund and appropriated to the
9 30 department of transportation for purposes of litter cleanup.
9 31 The division provides that 100 percent of both scheduled fines
9 32 are to be deposited in the general fund, with 50 percent of the
9 33 moneys appropriated to the department of transportation for
9 34 litter cleanup and 50 percent appropriated to the department
9 35 of natural resources for deposit in the newly created litter



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 74 continued

10 1 cleanup grant fund. The division creates a litter cleanup
10 2 grant fund to be administered by the department for purposes of
10 3 providing grants to nonprofit organizations for litter cleanup
10 4 activities in neighborhoods and along highways.

10 5 WASTE REDUCTION GOALS. Currently, waste stream reduction
10 6 goals for the state are to reduce the waste stream by 25
10 7 percent by July 1, 1994, and by 50 percent by July 1, 2000,
10 8 based on the waste stream existing as of July 1, 1988. The
10 9 tonnage fee paid by a planning area is, in part, determined by
10 10 the waste volume reduction goals that are met by the planning
10 11 area.

10 12 The division creates new waste volume reduction goals. The
10 13 goals are to reduce the waste stream by 50 percent by July 1,
10 14 2016, and by 60 percent by July 1, 2021, based on the waste
10 15 stream existing as of July 1, 2011. The division replaces the
10 16 old goal levels with the new goal levels in the computation of
10 17 the tonnage fees paid by planning areas.

LSB 2265YC (2) 84

tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 75

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL
PROTECTION BILL BY
CHAIRPERSON OLSON)

A BILL FOR

- 1 An Act relating to certain fees assessed for activities
- 2 regulated under the federal Clean Air Act.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2175HC (5) 84
tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 75 continued

PAG LIN

1 1 Section 1. Section 455B.133, subsection 8, paragraph a,
1 2 Code 2011, is amended to read as follows:
1 3 a. (1) Adopt rules consistent with the federal Clean Air
1 4 Act Amendments of 1990, Pub. L. No. 101=549, which require
1 5 the owner or operator of an air contaminant source to obtain
1 6 an operating permit prior to operation of the source. The
1 7 rules shall specify the information required to be submitted
1 8 with the application for a permit and the conditions under
1 9 which a permit may be granted, modified, suspended, terminated,
1 10 revoked, reissued, or denied. For sources subject to the
1 11 provisions of Tit. IV of the federal Clean Air Act Amendments
1 12 of 1990, permit conditions shall include emission allowances
1 13 for sulfur dioxide emissions. The commission may impose
1 14 fees, including fees upon regulated pollutants emitted from
1 15 an air contaminant source, in an amount sufficient to solely
1 16 cover, on an annual basis, all reasonable costs, direct and
1 17 indirect, required to develop and administer the permit program
1 18 in conformance with the federal Clean Air Act Amendments of
1 19 1990, Pub. L. No. 101=549, as further defined in subparagraph
1 20 (2). Affected units regulated under Tit. IV of the federal
1 21 Clean Air Act Amendments of 1990, Pub. L. No. 101=549, shall
1 22 pay operating permit fees in the same manner as other sources
1 23 subject to operating permit requirements, except as provided in
1 24 section 408 of the federal Act. The fees collected pursuant
1 25 to this subsection shall be deposited in the air contaminant
1 26 source fund created pursuant to section 455B.133B, and shall
1 27 be utilized solely to cover all reasonable costs required to
1 28 develop and administer the programs required by Tit. V of the
1 29 federal Clean Air Act Amendments of 1990, Pub. L. No. 101=549,
1 30 including the permit program pursuant to section 502 of the
1 31 federal Act and the small business stationary source technical
1 32 and environmental assistance program pursuant to section 507
1 33 of the federal Act.
1 34 (2) Fees assessed under this subsection shall be sufficient
1 35 solely to provide for the costs of developing and administering



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 75 continued

2 1 the operating permit program described in this subsection,
2 2 which costs are limited to all of the following:
2 3 (a) Reasonable costs of reviewing and acting upon any
2 4 application for such a permit.
2 5 (b) Reasonable costs of implementing and enforcing the
2 6 terms and conditions of any such permit, not including any
2 7 court costs or other costs associated with any enforcement
2 8 action.
2 9 (c) Reasonable costs of emissions and ambient air quality
2 10 monitoring for any such permit.
2 11 (d) Reasonable costs of preparing generally applicable
2 12 regulations or guidance for any such permit.
2 13 (e) Reasonable costs of ambient air quality modeling,
2 14 analyses, and demonstrations for any such permit.
2 15 (f) Reasonable costs of preparing inventories and tracking
2 16 emissions for any such permit.
2 17 (3) Fees assessed pursuant to this subsection shall not
2 18 be used for costs associated with a construction permitting
2 19 program, including general ambient air quality modeling or
2 20 monitoring under the program.
2 21 (4) Fees shall not be assessed for any permitting program
2 22 under this subsection when the program exceeds in any way the
2 23 requirements of the federal Clean Air Act Amendments of 1990,
2 24 Pub. L. No. 101=549.
2 25 (5) For the fiscal year beginning July 1, 2011, and each
2 26 fiscal year thereafter, the Tit. V fee required pursuant to the
2 27 federal Clean Air Act Amendments of 1990, Pub. L. No. 101=549,
2 28 shall not be more than fifty=six dollars per ton of regulated
2 29 air pollutant emitted from a major stationary source. Fees
2 30 shall not be collected for greenhouse gas emissions as defined
2 31 by the greenhouse gas tailoring rule adopted by the United
2 32 States environmental protection agency.
2 33 (6) By November 1 of each year, the department shall submit
2 34 a report to the general assembly providing information on the
2 35 human health and welfare benefit gains during the previous



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 75 continued

3 1 fiscal year as a result of the programs supported by Tit. V
3 2 fees, for each applicable air pollutant.

3 3 EXPLANATION

3 4 This bill relates to certain fees assessed for activities
3 5 regulated under the federal Clean Air Act Amendments of 1990.
3 6 The bill requires certain fees assessed for regulated
3 7 activities under the federal Clean Air Act be sufficient
3 8 solely to provide for specific listed costs of developing and
3 9 administering the operating permit program. The bill prohibits
3 10 fees from being used for costs associated with a construction
3 11 permitting program, including general ambient air quality
3 12 modeling or monitoring under the program. The bill prohibits
3 13 fees from being assessed for any permitting program that
3 14 exceeds in any way the requirements of the federal Clean Air
3 15 Act Amendments of 1990, Pub. L. No. 101-549.

3 16 For the fiscal year beginning July 1, 2011, and each fiscal
3 17 year thereafter, the bill requires the Title V fee required
3 18 pursuant to the federal Clean Air Act Amendments of 1990, to be
3 19 not more than \$56 per ton of regulated air pollutant emitted
3 20 from a major stationary source. The bill prohibits fees from
3 21 being collected for greenhouse gas emissions as defined by the
3 22 greenhouse gas tailoring rule adopted by the United States
3 23 environmental protection agency. The bill includes annual
3 24 reporting requirements for the department of natural resources
3 25 regarding the human health and welfare benefit gains during the
3 26 previous fiscal year as a result of the programs supported by
3 27 Title V fees for each applicable air pollutant.

LSB 2175HC (5) 84

tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 76

HOUSE FILE
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL
BY CHAIRPERSON
RAYHONS)

A BILL FOR

1 An Act relating to snowmobile registration and permit fees.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1966HC (2) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 76 continued

PAG LIN

1 1 Section 1. Section 321G.4, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. The owner of the snowmobile shall file an application
1 4 for registration with the department through a county recorder
1 5 in the manner established by the commission. The application
1 6 shall be completed by the owner and shall be accompanied by a
1 7 fee of ~~fifteen~~ thirty dollars and a writing fee as provided
1 8 in section 321G.27. A snowmobile shall not be registered by
1 9 the county recorder until the county recorder is presented
1 10 with receipts, bills of sale, or other satisfactory evidence
1 11 that the sales or use tax has been paid for the purchase of
1 12 the snowmobile or that the owner is exempt from paying the
1 13 tax. A snowmobile that has an expired registration certificate
1 14 from another state may be registered in this state upon proper
1 15 application, payment of all applicable registration and writing
1 16 fees, and payment of a penalty of five dollars.
1 17 Sec. 2. Section 321G.4A, subsection 2, Code 2011, is amended
1 18 to read as follows:
1 19 2. A county recorder or a license agent designated by the
1 20 director pursuant to section 483A.11 may issue user permits.
1 21 The fee for a user permit shall be ~~fifteen~~ twenty-five dollars
1 22 plus an administrative fee established by the commission. A
1 23 county recorder or a license agent shall retain a writing
1 24 fee from the sale of each user permit as provided in section
1 25 321G.27.
1 26 Sec. 3. Section 321G.6, subsections 1 and 4, Code 2011, are
1 27 amended to read as follows:
1 28 1. Every snowmobile registration certificate and
1 29 registration decal issued expires at midnight December 31
1 30 unless sooner terminated or discontinued in accordance with
1 31 this chapter or rules of the commission. After the first
1 32 day of September each year, an unregistered snowmobile
1 33 may be registered and a registration may be renewed in one
1 34 transaction. The fee is five dollars for the remainder of the
1 35 current year, in addition to the registration fee of ~~fifteen~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

~~House Study Bill 76 continued~~

~~2~~ ~~1~~ thirty dollars for the subsequent year beginning January 1, and
2 2 a writing fee as provided in section 321G.27.
2 3 4. A county recorder or a license agent designated by the
2 4 director pursuant to section 483A.11 may issue snowmobile
2 5 registration renewals electronically pursuant to rules adopted
2 6 by the commission. The fee for a registration renewal issued
2 7 using an electronic system is ~~fifteen~~ thirty dollars plus an
2 8 administrative fee established by the commission and a writing
2 9 fee as provided in section 321G.27.

2 10 EXPLANATION

2 11 This bill increases the annual fee for registration of
2 12 a snowmobile from \$15 to \$30. In addition, the fee for a
2 13 nonresident user permit is increased from \$15 to \$25.

2 14 Pursuant to current law, snowmobile registration fees
2 15 and permit fees are deposited in a special snowmobile fund
2 16 and appropriated to the department of natural resources for
2 17 snowmobile programs, with at least 50 percent of the moneys
2 18 available for political subdivisions and incorporated private
2 19 organizations.

2 20 Every snowmobile operated on public land or ice in the state
2 21 is required to be registered annually with the department,
2 22 except snowmobiles owned and used by the United States,
2 23 another state, or a political subdivision of another state
2 24 and snowmobiles used exclusively as farm implements. State
2 25 agencies and political subdivisions of this state are exempt
2 26 from payment of the annual registration fee.

LSB 1966HC (2) 84

dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 77

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act establishing a parole procedure for certain persons
2 serving a class "A" felony sentence and including effective
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2203YC (2) 84
jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 77 continued

PAG LIN

1 1 Section 1. Section 902.1, Code 2011, is amended to read as
1 2 follows:

1 3 902.1 Class "A" felony.

1 4 1. Upon a plea of guilty, a verdict of guilty, or a special
1 5 verdict upon which a judgment of conviction of a class "A"
1 6 felony may be rendered, the court shall enter a judgment of
1 7 conviction and shall commit the defendant into the custody of
1 8 the director of the Iowa department of corrections for the rest
1 9 of the defendant's life. Nothing in the Iowa corrections code
1 10 pertaining to deferred judgment, deferred sentence, suspended
1 11 sentence, or reconsideration of sentence applies to a class "A"
1 12 felony, and a ~~person~~ defendant convicted of a class "A" felony
1 13 shall not be released on parole unless the governor commutes
1 14 the sentence to a term of years.

1 15 2. a. Notwithstanding subsection 1, a defendant convicted
1 16 of a class "A" felony, and who was a child under the age
1 17 of eighteen at the time the offense was committed shall be
1 18 eligible for parole after serving a minimum term of confinement
1 19 of forty-five years.

1 20 b. If a defendant is paroled pursuant to this subsection the
1 21 person shall be subject to the same set of procedures set out
1 22 in chapters 901B, 905, 906, and chapter 908, and rules adopted
1 23 under those chapters for defendants on parole.

1 24 c. A defendant convicted of murder in the first degree in
1 25 violation of section 707.2 shall not be eligible for parole
1 26 pursuant to this subsection. A person convicted of any other
1 27 class "A" felony where a murder or homicide arose out of
1 28 the same set of facts as the class "A" felony, shall not be
1 29 eligible for parole.

1 30 Sec. 2. Section 906.5, subsection 1, unnumbered paragraph
1 31 1, Code 2011, is amended to read as follows:

1 32 The board shall establish and implement a plan by which the
1 33 board systematically reviews the status of each person who
1 34 has been committed to the custody of the director of the Iowa
1 35 department of corrections and considers the person's prospects



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 77 continued

2 1 for parole or work release. The board at least annually shall
2 2 review the status of a person other than a class "A" felon, a
2 3 class "B" felon serving a sentence of more than twenty-five
2 4 years, or a felon serving an offense punishable under section
2 5 902.9, subsection 1, or a felon serving a mandatory minimum
2 6 sentence other than a class "A" felon, and provide the person
2 7 with notice of the board's parole or work release decision.
2 8 The board shall only review the status of a class "A" felon
2 9 eligible for parole pursuant to section 901.1, subsection
2 10 2, upon the person serving the mandatory minimum term of
2 11 confinement, and shall only review the status every five years
2 12 thereafter.

2 13 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 14 immediate importance, takes effect upon enactment.

2 15 EXPLANATION

2 16 This bill establishes a parole procedure for certain persons
2 17 serving a class "A" felony.

2 18 The bill provides that a person serving a class "A" felony
2 19 who was under 18 years of age when the offense was committed is
2 20 eligible for parole after serving a minimum term of confinement
2 21 of 45 years.

2 22 The bill applies to the following class "A" felonies:
2 23 conspiracy to manufacture for delivery, delivery, or intent to
2 24 deliver amphetamine or methamphetamine to a minor in violation
2 25 of Code section 124.401D; sexual abuse in the first degree in
2 26 violation of Code section 709.2; kidnapping in the first degree
2 27 in violation of Code section 710.2; and enhanced penalties for
2 28 sexual abuse and lascivious acts with a child in violation of
2 29 Code section 902.14.

2 30 The bill does not apply to the following class "A" felonies:
2 31 murder in the first degree in violation of Code section 707.2;
2 32 or any other class "A" felony if a murder or homicide arose out
2 33 of the same set of facts as the class "A" felony.

2 34 The bill specifies the board of parole shall only review the
2 35 status of a person eligible for parole under the bill upon the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 77 continued

3 1 person serving 45 years of confinement, and restricts the board
3 2 from reviewing the status of the person to every five years
3 3 thereafter.

3 4 If a person is paroled pursuant to the bill, the person
3 5 shall be subject to the same set of procedures set out in Code
3 6 chapters 901B, 905, 906, and 908, and rules adopted under those
3 7 Code chapters for persons on parole. The parole status of a
3 8 person paroled pursuant to the bill may be revoked and the
3 9 original sentence imposed under the procedures of Code chapter
3 10 908. The paroled person may also be discharged early from
3 11 parole pursuant to Code section 906.15.

3 12 Code section 903A.5 does not apply to reduce the mandatory
3 13 minimum sentence of 45 years established by the bill.

3 14 The bill also does not apply to enhanced life sentences in
3 15 Code chapter 901A (sexually predatory offenses).

3 16 The bill takes effect upon enactment.

LSB 2203YC (2) 84

jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 78

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act relating to the provision of telecommunications services
2 to multiple=unit residential buildings or complexes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1644YC (1) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 78 continued

PAG LIN

1 1 Section 1. NEW SECTION. 477.15 Definitions.
1 2 1. For purposes of this section, unless the context
1 3 otherwise requires:
1 4 a. "Manufactured home community" and "mobile home park" mean
1 5 the same as defined in section 562B.7.
1 6 b. "Multiple=unit residential building or complex" means
1 7 a building or complex utilized for residential purposes and
1 8 consisting of at least two or more individual dwelling units,
1 9 or a manufactured home community or mobile home park, whether
1 10 leased or owned.
1 11 c. "Residential agent" means the property owner, manager,
1 12 lessee, or other person in possession or control of a
1 13 multiple=unit residential building or complex.
1 14 d. "Telecommunications provider" means a person, firm, or
1 15 corporation providing telecommunications service pursuant to a
1 16 cable or video service franchise granted pursuant to chapter
1 17 477A or chapter 364, a certificate of public convenience and
1 18 necessity issued pursuant to section 476.29, or as authorized
1 19 by a municipality which provides telecommunications service
1 20 directly to its residents.
1 21 e. "Telecommunications service" means the provision of
1 22 cable service or video service as defined in section 477A.1,
1 23 high=speed internet service, or telephone service whether by
1 24 coaxial cable, fiber optic line, or copper telephone line.
1 25 2. A residential agent of a multiple=unit residential
1 26 building or complex located within the service area in which
1 27 a telecommunications provider is authorized to provide
1 28 telecommunications service shall be subject to the following:
1 29 a. The residential agent shall not preclude or prevent
1 30 an occupant, tenant, or lessee of the building or complex
1 31 from receiving telecommunications service from a particular
1 32 telecommunications provider or municipality, demand or
1 33 accept payment from any occupant, tenant, or lessee in
1 34 any form as a condition of permitting the installation of
1 35 telecommunications service equipment or facilities or the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 78 continued

2 1 maintenance of such equipment or facilities on the premises
2 2 of the building or complex, or discriminate in rental charges
2 3 or in any other manner against an occupant, tenant, or lessee
2 4 receiving telecommunications services from a particular
2 5 telecommunications provider or municipality.
2 6 b. The residential agent shall not preclude or prevent a
2 7 telecommunications provider from entering upon the premises of
2 8 a multiple-unit residential building or complex for the purpose
2 9 of or in connection with the construction or installation
2 10 of telecommunications service equipment or facilities;
2 11 or constructing or installing upon, beneath, or over the
2 12 premises, including any buildings or other structures located
2 13 thereon, hardware, cable, equipment, materials, or other
2 14 telecommunications service equipment or facilities utilized
2 15 by the telecommunications provider in the construction or
2 16 installation of telecommunications service.
2 17 3. A telecommunications provider shall not install
2 18 telecommunications service equipment or facilities on the
2 19 premises of a multiple-unit residential building or complex
2 20 unless an occupant, tenant, or lessee of the building or
2 21 complex requests the delivery of telecommunications service.
2 22 In any instance in which a request for service is made, the
2 23 telecommunications provider may install telecommunications
2 24 service equipment or facilities throughout the building or
2 25 complex in a manner which enables the telecommunications
2 26 provider to provide telecommunications service to occupants,
2 27 tenants, or lessees of other residential units within the
2 28 building or complex without requiring the installation of
2 29 additional equipment or facilities other than within the
2 30 residential units occupied by such other occupants, tenants,
2 31 or lessees.
2 32 4. a. A telecommunications provider may remit reasonable
2 33 compensation to a residential agent for marketing support or
2 34 for a right of entry for the installation of telecommunications
2 35 service equipment or facilities, or the provision of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 78 continued

3 1 telecommunications service, as follows:

3 2 (1) Pursuant to a compensation agreement initiated by the
3 3 telecommunications provider with a residential agent.

3 4 (2) At the written request of a residential agent received
3 5 by a telecommunications provider within twenty days of the
3 6 date on which the agent is notified of the telecommunications
3 7 provider's intention to install telecommunications service
3 8 equipment or facilities as provided in subsection 5. Unless
3 9 such a request is received from the residential agent, it
3 10 shall be conclusively presumed that the agent does not claim
3 11 or intend to request or require reasonable compensation.
3 12 The notice shall include the amount requested as reasonable
3 13 compensation by the agent.

3 14 b. Compensation received pursuant to this subsection shall
3 15 not confer an exclusive right of entry with respect to a
3 16 particular telecommunications provider. If compensation is
3 17 agreed to, no other payment or compensation shall be requested
3 18 or received by the residential agent, unless damage is incurred
3 19 during the course of the installation. A telecommunications
3 20 provider shall agree to indemnify a residential agent for any
3 21 damages caused by the installation, operation, or removal of
3 22 telecommunications service equipment or facilities.

3 23 5. a. Prior to the installation of telecommunications
3 24 service equipment or facilities, a telecommunications provider
3 25 shall notify the residential agent in writing of the intent
3 26 to proceed with installation. Notification shall include the
3 27 address of the multiple-unit residential building or complex,
3 28 the name of the telecommunications provider, the anticipated
3 29 installation date, and either a proposed amount of reasonable
3 30 compensation or contact information regarding the twenty-day
3 31 time frame for compensation notification as provided in
3 32 subsection 4.

3 33 b. In any instance in which a telecommunications provider
3 34 intends to install telecommunications service equipment or
3 35 facilities within or upon a multiple-unit residential building



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 78 continued

4 1 or complex containing twelve or more residential units,
4 2 the written notice required pursuant to paragraph "a" shall
4 3 further acknowledge that the residential agent may require
4 4 the submission of written plans identifying the manner in
4 5 which telecommunications equipment and facilities are to be
4 6 installed, including the proposed location of coaxial cable,
4 7 fiber optic cable, or copper wire. Approval of such plans
4 8 by the residential agent, if required by the agent, shall
4 9 not be unreasonably withheld and consent to and approval
4 10 of such plans shall be presumed unless, within thirty days
4 11 following receipt thereof, the residential agent identifies
4 12 in writing the specific manner in which the plans deviate
4 13 from generally accepted construction or safety standards and
4 14 contemporaneously submits an alternative construction plan
4 15 providing for the installation of telecommunications service
4 16 equipment or facilities in an economically feasible manner.
4 17 A telecommunications provider may proceed with the plan
4 18 originally submitted if an alternative plan is not submitted
4 19 within thirty days, or if the alternative plan fails to comply
4 20 with generally accepted construction and safety standards or
4 21 does not provide for the installation of telecommunications
4 22 service equipment or facilities in an economically feasible
4 23 manner.

4 24 6. a. A residential agent having provided timely written
4 25 notice of a request for reasonable compensation pursuant to
4 26 subsection 4, paragraph "a", subparagraph (2), may assert a
4 27 claim for such compensation if the agent has not received the
4 28 compensation within thirty days following receipt of the notice
4 29 by the telecommunications provider, or the telecommunications
4 30 provider has not agreed to pay the amount requested or an
4 31 alternative amount acceptable to the agent within a mutually
4 32 agreeable time frame. If compensation remains unpaid after
4 33 sixty days following receipt of the notice, or within the time
4 34 frame mutually agreed upon, the agent may bring suit to enforce
4 35 the claim in any court of competent jurisdiction, and, in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 78 continued

5 1 connection therewith, may require that the amount or reasonable
5 2 compensation be determined by the court. Any such action shall
5 3 be commenced within six months of receipt of the notice of a
5 4 request for reasonable compensation.

5 5 b. In an action to determine the amount of reasonable
5 6 compensation, the residential agent may submit evidence of
5 7 a decrease in the fair market value of the multiple=unit
5 8 residential building or complex occasioned by the installation
5 9 of the telecommunications service equipment or facilities,
5 10 that the agent has a specific alternative use for the space
5 11 occupied by the telecommunications service equipment or
5 12 facilities, the loss of which will result in a monetary loss
5 13 to the owner, or that installation of the telecommunications
5 14 service equipment or facilities substantially interferes
5 15 with the use or occupancy of the building or complex. In
5 16 determining reasonable compensation, the court shall not
5 17 consider or include potential earnings by a residential agent
5 18 were the agent to install or provide telecommunications service
5 19 independently.

5 20 c. Neither the giving of a notice requesting reasonable
5 21 compensation pursuant to subsection 4, paragraph "a",
5 22 subparagraph (2), nor the assertion of a specific claim or
5 23 initiation of a legal action to enforce such claim as provided
5 24 in paragraphs "a" and "b" of this subsection shall delay or
5 25 impair the right of a telecommunications provider to construct
5 26 or install telecommunications service equipment or facilities
5 27 or maintain telecommunications service with respect to a
5 28 multiple=unit residential building or complex.

5 29 EXPLANATION

5 30 This bill concerns the installation of telecommunications
5 31 service equipment and facilities, and the provision of
5 32 telecommunications service, to multiple=unit residential
5 33 buildings or complexes.

5 34 The bill provides several definitions. The bill defines
5 35 a "multiple=unit residential building or complex" as a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 78 continued

6 1 building or complex utilized for residential purposes and
6 2 consisting of at least two or more individual dwelling
6 3 units, or a manufactured home community or mobile home park,
6 4 whether leased or owned. A "residential agent" is defined
6 5 as the property owner, manager, lessee, or other person in
6 6 possession or control of a building or complex. The bill
6 7 defines a "telecommunications provider" as a person, firm, or
6 8 corporation providing telecommunications service pursuant to
6 9 a cable or video service franchise granted pursuant to Code
6 10 chapter 364 or 477A, or pursuant to a certificate of public
6 11 convenience and necessity issued pursuant to Code section
6 12 476.29, or as authorized by a municipality which provides
6 13 telecommunications service directly to its residents. The
6 14 bill defines "telecommunications service" as the provision of
6 15 cable service or video service, high-speed internet service, or
6 16 telephone service.

6 17 The bill prohibits a residential agent of a multiple-unit
6 18 residential building or complex from preventing or precluding
6 19 an occupant, tenant, or lessee of the building or complex
6 20 from receiving telecommunications service from a particular
6 21 telecommunications provider or municipality, from demanding or
6 22 accepting a payment from any occupant, tenant, or lessee as a
6 23 condition of permitting the installation of telecommunications
6 24 service equipment or facilities or the maintenance of such
6 25 equipment or facilities on the premises of the building or
6 26 complex, or from discriminating in rental charges or in any
6 27 other manner against an occupant, tenant, or lessee receiving
6 28 telecommunications services from a particular provider.
6 29 Additionally, the bill prohibits an agent from precluding or
6 30 preventing a provider from entering upon the premises of a
6 31 building or complex for the purpose of or in connection with
6 32 the construction or installation of telecommunications service
6 33 equipment or facilities; or constructing or installing upon,
6 34 beneath, or over the premises, including any buildings or
6 35 other structures located thereon, hardware, cable, equipment,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 78 continued

7 1 materials, or other telecommunications service equipment or
7 2 facilities utilized by the provider in the construction or
7 3 installation of telecommunications service.
7 4 The bill states that an occupant, tenant, or lessee of the
7 5 building or complex must request delivery of telecommunications
7 6 service prior to an installation of telecommunications service
7 7 equipment or facilities by a provider, and that if such
7 8 a request is made, the provider may install equipment or
7 9 facilities throughout the building or complex in a manner which
7 10 enables the provider to provide telecommunications service to
7 11 additional occupants, tenants, or lessees.
7 12 The bill authorizes the payment of reasonable compensation
7 13 for marketing support or for a right of entry for the
7 14 installation of telecommunications service equipment or
7 15 facilities or the provision of telecommunications service by
7 16 a provider to an agent, either when initiated by the provider
7 17 or upon receipt of a written request from the agent. In the
7 18 latter case, the bill requires the request to be received by
7 19 the provider within 20 days from the date of notification
7 20 by the provider to the agent of an intent to install
7 21 telecommunications service equipment or facilities. The bill
7 22 provides that absent such a request, it will be presumed that
7 23 the agent does not intend to request or require reasonable
7 24 compensation. The bill clarifies that any compensation
7 25 received shall not confer an exclusive right of entry with
7 26 respect to a particular telecommunications provider, that no
7 27 other payment or compensation shall be requested or received
7 28 by the residential agent unless damage is incurred during
7 29 the course of the installation, and that the provider shall
7 30 agree to indemnify an agent for any damages caused by the
7 31 installation, operation, or removal of telecommunications
7 32 service equipment or facilities.
7 33 With regard to the required notification of an intent to
7 34 install, the bill provides that the notification shall be
7 35 in writing and shall include the address of the building or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 78 continued

8 1 complex, the name of the provider, the anticipated installation
8 2 date, and either a proposed amount of reasonable compensation
8 3 or contact information regarding the 20-day time frame for
8 4 requesting compensation. If the installation involves a
8 5 building or complex containing 12 or more residential units,
8 6 the bill states that the notice shall acknowledge that the
8 7 agent may require the submission of written plans identifying
8 8 the manner in which telecommunications equipment and facilities
8 9 are to be installed. The bill states that approval of such
8 10 plans by the agent, if required, shall not be unreasonably
8 11 withheld and consent to and approval of such plans shall be
8 12 presumed unless, within 30 days following receipt of the
8 13 plans, the agent identifies in writing the specific manner in
8 14 which they deviate from generally accepted construction or
8 15 safety standards, and unless an alternative plan providing
8 16 for the installation of telecommunications facilities in an
8 17 economically feasible manner is submitted by the agent. The
8 18 bill authorizes a provider to proceed with the plan originally
8 19 submitted if an alternative plan is not submitted within 30
8 20 days, or if the alternative plan fails to comply with generally
8 21 accepted construction and safety standards or does not provide
8 22 for the installation of telecommunications service equipment or
8 23 facilities in an economically feasible manner.

8 24 The bill permits an agent to assert a claim for reasonable
8 25 compensation if the agent has not received compensation
8 26 within 30 days following receipt by a provider of a request
8 27 from an agent, or if the provider has not agreed to pay the
8 28 amount requested or an alternative amount acceptable to the
8 29 agent within a mutually agreeable time frame. In the event
8 30 compensation remains unpaid after 60 days following receipt of
8 31 the request, or within the time frame mutually agreed upon, the
8 32 bill authorizes an agent to bring suit to enforce the claim
8 33 in any court of competent jurisdiction, and to require that
8 34 the amount of reasonable compensation be determined by the
8 35 court. The bill specifies that such an action must be brought



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 78 continued

9 1 within six months of receipt of the notice of a request for
9 2 reasonable compensation. The bill provides that in an action
9 3 to determine the amount of reasonable compensation, the agent
9 4 may submit evidence of a decrease in the fair market value
9 5 caused by the installation of the telecommunications service
9 6 equipment or facilities, or that the agent has a specific
9 7 alternative use for the space occupied by the equipment or
9 8 facilities, the loss of which will result in a monetary loss to
9 9 the owner, or that installation of the equipment or facilities
9 10 substantially interferes with the use and occupancy of the
9 11 building or complex. In determining reasonable compensation,
9 12 a court is directed not to consider or include potential
9 13 earnings by an agent in the event the agent installed or
9 14 provided telecommunications service independently. The bill
9 15 states that providing notice requesting reasonable compensation
9 16 or asserting a claim or initiating an action shall not delay
9 17 or impair the right of a provider to construct or install
9 18 telecommunications service equipment or facilities or maintain
9 19 telecommunications service.

LSB 1644YC (1) 84

rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 79

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act relating to matters under the purview of the division of
2 banking of the department of commerce.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1246YC (1) 84
rn/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 79 continued

PAG LIN

1 1 Section 1. Section 524.211, subsection 3, Code 2011, is
1 2 amended to read as follows:

1 3 3. The superintendent, general counsel, examiners, and
1 4 other employees of the banking division, who have credit
1 5 relations with a person or entity licensed or registered
1 6 pursuant to chapter 535B, 535D, or 536C, are prohibited from
1 7 participating in decisions, oversight, and official review
1 8 of matters concerning the regulation of the licensee or
1 9 registrant.

1 10 Sec. 2. Section 524.212, subsection 2, Code 2011, is amended
1 11 to read as follows:

1 12 2. The superintendent may receive documents, materials,
1 13 or other information, including otherwise confidential and
1 14 privileged documents, materials, or other information, from
1 15 other local, state, federal, and international regulatory
1 16 agencies, the conference of state bank supervisors and its
1 17 affiliates or subsidiaries, the American association of
1 18 mortgage regulators and its affiliates or subsidiaries, and
1 19 the national association of consumer credit administrators
1 20 and its affiliates or subsidiaries, and shall maintain as
1 21 confidential and privileged any such document, material, or
1 22 other information received with notice or the understanding
1 23 that it is confidential or privileged under the laws of the
1 24 jurisdiction that is the source of the document, material, or
1 25 other information. With respect to documents, materials, or
1 26 other information that is shared or stored electronically,
1 27 the superintendent is authorized to take any necessary steps
1 28 to ensure the division's information technology systems
1 29 comply with the information technology security requirements
1 30 established by any of the regulatory agencies or associations
1 31 of state regulatory agencies described in this section.

1 32 Sec. 3. Section 524.904, subsection 5, Code 2011, is amended
1 33 to read as follows:

1 34 5. a. A state bank may grant loans and extensions of credit
1 35 to a corporate group in an amount not to exceed twenty=five



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 79 continued

2 1 percent of the state bank's aggregate capital if all loans and
2 2 extensions of credit to any one borrower within a corporate
2 3 group conform to subsection 2 or 3, and the financial strength,
2 4 assets, guarantee, or endorsement of any one corporate group
2 5 member is not relied upon as a basis for loans and extensions
2 6 of credit to any other corporate group member. A state bank
2 7 may grant loans and extensions of credit to a corporate group
2 8 in an amount not to exceed thirty=five percent of aggregate
2 9 capital if all loans and extensions of credit to any one
2 10 borrower within a corporate group conform to subsection 2,
2 11 3, or 4, and the financial strength, assets, guarantee, or
2 12 endorsement of any one corporate group member is not relied
2 13 upon as a basis for loans and extensions of credit to any other
2 14 corporate group member. ~~A corporate group includes a person~~
~~2 15 and all corporations in which the person owns or controls fifty~~
~~2 16 percent or more of the shares entitled to vote. While not to~~
~~2 17 be construed as an endorsement of the quality of any loan or~~
~~2 18 extension of credit, the superintendent may authorize a state~~
~~2 19 bank to grant loans and extensions of credit to a corporate~~
~~2 20 group in an amount not to exceed fifty percent of aggregate~~
~~2 21 capital if all loans and extensions of credit to any one~~
~~2 22 borrower within a corporate group conform to subsection 2 or 3,~~
~~2 23 and the financial strength, assets, guarantee, or endorsement~~
~~2 24 of any one corporate group member is not relied upon as a basis~~
~~2 25 for loans and extensions of credit to any other corporate group~~
~~2 26 member.~~
2 27 b. For the purposes of this subsection, a corporate group
2 28 includes the following:
2 29 (1) The interests of a group of more than one borrower,
2 30 or any combination of the members of the group, are so
2 31 interrelated that they should be considered a unit for the
2 32 purpose of applying the lending limit limitations of this
2 33 section.
2 34 (2) One or more persons owns or controls fifty percent or
2 35 more of the voting securities or membership interests of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 79 continued

3 1 borrowing entity or a member of the group.

3 2 (3) One or more persons controls, in any manner, the
3 3 election of a majority of the directors, managers, trustees,
3 4 or other persons exercising similar functions of the borrowing
3 5 entity or a member of the group.

3 6 (4) One or more persons has the power to vote fifty percent
3 7 or more of any class of voting securities or membership
3 8 interests of the borrowing entity or a member of the group.

3 9 c. To demonstrate compliance with this subsection, a
3 10 bank shall maintain in its files, at a minimum, all of the
3 11 following:

3 12 (1) Documentation demonstrating the current ownership of
3 13 the borrowing entity.

3 14 (2) Documentation identifying the persons who have voting
3 15 rights in the borrowing entity.

3 16 (3) Documentation identifying the board of directors and
3 17 senior management of the borrowing entity.

3 18 (4) The bank's assessment of the borrowing entity's means
3 19 of servicing the loan or extension of credit, including
3 20 specific reasons in support of that assessment. The assessment
3 21 shall include an analysis of the borrowing entity's financial
3 22 history, its present and projected economic and financial
3 23 performance, and the significance of any financial support
3 24 provided to the borrowing entity by members of the corporate
3 25 group and third parties.

3 26 Sec. 4. Section 524.904, subsection 7, Code 2011, is amended
3 27 by adding the following new paragraph:

3 28 NEW PARAGRAPH. m. A renewal or restructuring of a loan as
3 29 a new loan or extension of credit following the exercise by
3 30 a state bank of reasonable efforts, consistent with safe and
3 31 sound banking practices, to bring the loan into conformance
3 32 with the lending limit, unless new funds are advanced by the
3 33 bank to the borrower or unless a new borrower replaces the
3 34 original borrower or unless the superintendent determines that
3 35 the renewal or restructuring was undertaken as a means to evade



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 79 continued

4 1 the bank's lending limit.
4 2 Sec. 5. Section 524.1201, subsection 4, Code 2011, is
4 3 amended by striking the subsection.
4 4 Sec. 6. Section 535B.4, Code 2011, is amended by adding the
4 5 following new subsection:
4 6 NEW SUBSECTION. 8A. A licensee may not establish branch
4 7 locations outside of the United States.
4 8 Sec. 7. Section 535B.6, Code 2011, is amended to read as
4 9 follows:
4 10 535B.6 Licensing of ~~foreign corporation~~ certain corporations.
4 11 1. An applicant that is a foreign corporation incorporated
4 12 under the laws of another state in the United States must be
4 13 authorized to do business in this state. A foreign corporation
4 14 Such a corporation shall file with the license application both
4 15 of the following:
4 16 1. a. An irrevocable consent, duly acknowledged, that
4 17 suits and actions may be commenced against that licensee in the
4 18 courts of this state by service of process in the usual manner
4 19 provided for by the statutes and court rules of this state.
4 20 2. b. Proof of authorization to do business in this state.
4 21 2. Businesses that are incorporated outside of the United
4 22 States are not eligible for a license.
4 23 Sec. 8. Section 535D.4, subsection 1, Code 2011, is amended
4 24 to read as follows:
4 25 1. On or after January 1, 2010, an individual shall not
4 26 engage in the business of a mortgage loan originator with
4 27 respect to any dwelling or residential real estate located in
4 28 this state without first obtaining and maintaining annually
4 29 a license under this chapter. Each licensed mortgage loan
4 30 originator must register with and maintain a valid unique
4 31 identifier issued by the nationwide mortgage licensing system
4 32 and registry.
4 33 Sec. 9. NEW SECTION. 535D.23 Reports of condition required
4 34 ==== exceptions.
4 35 Each mortgage loan originator licensee shall submit



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 79 continued

5 1 reports of condition to the nationwide mortgage licensing
5 2 system and registry unless the mortgage loan originator's
5 3 activity is included in a report submitted by the mortgage
5 4 loan originator's employer in accordance with section 535B.11,
5 5 subsection 3, section 535B.18, or section 536A.14, subsection
5 6 2. The reports shall be in such form and shall contain such
5 7 information as the nationwide mortgage licensing system and
5 8 registry may require.

5 9 EXPLANATION

5 10 This bill makes several changes in connection with banking
5 11 and mortgage regulation by the division of banking of the
5 12 department of commerce.

5 13 The bill provides that the superintendent of banking
5 14 is authorized to ensure that the division's information
5 15 technology systems comply with information technology
5 16 security requirements established by any regulatory agency or
5 17 association of regulatory agencies specified in Code section
5 18 524.212.

5 19 The bill makes changes regarding provisions relating to
5 20 a state bank granting loans and extensions of credit to a
5 21 corporate group. The bill provides that, while not to be
5 22 construed as an endorsement of the quality of any loan or
5 23 extension of credit, the superintendent may authorize a state
5 24 bank to grant loans and extensions of credit to a corporate
5 25 group in an amount not to exceed 50 percent of aggregate
5 26 capital if all loans and extensions of credit to any one
5 27 borrower within a corporate group conform to an applicable
5 28 percentage of capital limitations and the financial strength,
5 29 assets, guarantee, or endorsement of any one corporate group
5 30 member is not relied upon as a basis for loans and extensions
5 31 of credit to any other corporate group member.

5 32 The bill modifies the definition of a corporate group for
5 33 purposes of applying corporate group bank lending limits. A
5 34 corporate group shall include the interests of a group of
5 35 more than one borrower, or any combination of the members



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 79 continued

6 1 of the group, which are so interrelated that they should be
6 2 considered a unit for the purpose of applying the lending
6 3 limits; one or more persons owning or controlling 50 percent
6 4 or more of the voting securities or membership interests
6 5 of the borrowing entity or a member of the group; one or
6 6 more persons controlling, in any manner, the election of a
6 7 majority of the directors, managers, trustees, or other persons
6 8 exercising similar functions of the borrowing entity or a
6 9 member of the group; or one or more persons having the power
6 10 to vote 50 percent or more of any class of voting securities
6 11 or membership interests of the borrowing entity or a member
6 12 of the group. The bill states that required documentation to
6 13 demonstrate compliance with corporate group bank lending limits
6 14 includes, at a minimum, demonstrating the current ownership
6 15 of the borrowing entity, identifying the persons who have
6 16 voting rights in the borrowing entity, identifying the board
6 17 of directors and senior management of the borrowing entity,
6 18 and the bank's assessment of the borrowing entity's means of
6 19 servicing the loan or extension of credit including specific
6 20 reasons in support of that assessment.

6 21 The bill deletes a provision which states that a bank shall
6 22 not operate a loan production office or deposit production
6 23 office in Iowa unless either the bank has received approval
6 24 from the superintendent or the bank operated the loan
6 25 production office or deposit production office prior to July
6 26 1, 2006.

6 27 The bill includes in the list of exemptions from a bank's
6 28 lending limit a renewal or restructuring of a loan as a new
6 29 loan or extension of credit if efforts had been made to bring
6 30 the loan into conformance with the lending limit, unless as
6 31 part of the renewal or restructuring new funds are advanced
6 32 by the bank to the borrower or a new borrower replaces the
6 33 original borrower or the superintendent determines that a
6 34 renewal or restructuring was undertaken as a means to evade the
6 35 bank's lending limit.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 79 continued

7 1 The bill provides that a mortgage banker or mortgage broker
7 2 licensed under Code chapter 535B may not establish branch
7 3 locations outside of the United States, specifies that an
7 4 applicant incorporated under the laws of another state in the
7 5 United States must be authorized to do business in Iowa, and
7 6 specifies that businesses that are incorporated outside of the
7 7 United States are not eligible for licensure.
7 8 The bill adds persons or entities licensed under Code
7 9 chapter 535D, the mortgage licensing act, to provisions
7 10 prohibiting the superintendent, general counsel, examiners,
7 11 and other employees of the banking division, if engaged in
7 12 credit relations with the person or entity, from participating
7 13 in specified regulatory actions over the person or entity.
7 14 The bill provides that an individual shall not engage in
7 15 the business of a mortgage loan originator with respect
7 16 to any dwelling or residential real estate located in this
7 17 state without obtaining and maintaining a license under Code
7 18 chapter 535D. This provision had previously been restricted
7 19 to "residential real estate". The bill establishes a new
7 20 requirement that each mortgage loan originator licensee under
7 21 the Code chapter shall submit to the nationwide mortgage
7 22 licensing system and registry reports of condition required by
7 23 the system and registry, unless the mortgage loan originator's
7 24 activity is included in a mortgage call report submitted by
7 25 the originator's employer in accordance with specified Code
7 26 sections.

LSB 1246YC (1) 84

rn/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 80

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act relating to indemnification provisions in construction
2 contracts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2087YC (2) 84
je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 80 continued

PAG LIN

1 1 Section 1. NEW SECTION. 537A.5 Indemnity agreements ====

1 2 construction contracts.

1 3 1. As used in this section:

1 4 a. "Construction contract" means a public, private, foreign,

1 5 or domestic contract or agreement relating to the construction,

1 6 alteration, repair, or maintenance of any real property in

1 7 this state and includes agreements for architectural services,

1 8 demolition, design services, development, engineering services,

1 9 excavation, or other improvement relating to real property,

1 10 including buildings, shafts, wells, and structures, whether on

1 11 ground, aboveground, or underground.

1 12 b. "Indemnify" or "hold harmless" includes any requirement

1 13 to name the indemnitee as an additional insured in the

1 14 indemnitor's insurance coverage.

1 15 c. "Lower=tier party" means a party to the contract that

1 16 acts as a subcontractor, specialty contractor, or supplier.

1 17 d. "Upper=tier party" means a party to the contract that

1 18 acts as a general contractor.

1 19 2. A provision in a construction contract that requires

1 20 one party to the contract to indemnify, hold harmless, insure,

1 21 or defend the other party to the contract, including the other

1 22 party's officers, employees, or agents, against liability,

1 23 claims, damages, losses, or expenses, including attorney

1 24 fees, arising out of bodily injury to persons or damage to

1 25 property caused by or resulting from, in whole or in part,

1 26 the negligence, act, or omission of the indemnitee or the

1 27 officers, employees, or agents of the indemnitee, is void and

1 28 unenforceable as contrary to public policy.

1 29 3. A construction contract may contain a provision

1 30 requiring indemnity, but such a provision shall be enforced

1 31 only to the extent that the provision requires either of the

1 32 following:

1 33 a. One party to the contract to indemnify, hold harmless,

1 34 or insure the other party to the contract, including the other

1 35 party's officers, employees, or agents, against liability,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 80 continued

1 claims, damages, losses, or expenses, including attorney
2 fees, only to the extent that the liability, claims, damages,
3 losses, or expenses are caused by, or arise out of, the acts
4 or omissions of the indemnitor or the officers, employees, or
5 agents of the indemnitor.

6 b. A party to the contract to purchase a project-specific
7 insurance policy, including an owner's or contractor's
8 protective insurance, project management protective liability
9 insurance, or builder's risk insurance.

10 4. This section does not apply to the indemnity of a surety
11 by a principal on any surety bond or to an insurer's obligation
12 to its insureds.

13 5. If an upper-tier party to a construction contract is
14 named as an additional insured or additionally named insured
15 on a commercial general liability or similar liability policy
16 of insurance of a lower-tier party to a construction contract,
17 the coverage to the upper-tier party shall be limited to the
18 cost of defense and vicarious liability, and the policy shall
19 not extend coverage for the upper-tier party's own negligence,
20 whether sole or partial.

21 6. If a court action or other binding dispute resolution
22 proceeding is brought or initiated against an upper-tier party
23 for personal injury by an employee of a lower-tier party to a
24 construction contract, and it is ultimately determined that the
25 upper-tier party to the construction contract has no liability
26 to the employee other than vicarious liability, the upper-tier
27 party has a claim of indemnity for all costs, including costs
28 of experts and attorney fees, associated with defending such
29 action against any party in the contractual chain determined
30 to have any liability for the personal injury. Any liability
31 of the employee for the employee's own personal injury shall
32 be attributed to the employee's employer for purposes of this
33 subsection. This indemnification obligation shall be joint and
34 several among the parties found liable for the personal injury.

EXPLANATION



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 80 continued

3 1 This bill relates to indemnification provisions in
3 2 construction contracts.
3 3 The bill provides that a provision in a construction
3 4 contract which requires one party to the contract to indemnify
3 5 the other party against claims based on acts or omissions
3 6 of the party being indemnified is void and unenforceable as
3 7 contrary to public policy. The bill provides that an indemnity
3 8 provision in a construction contract is enforceable if it
3 9 requires one party to the contract to indemnify the other
3 10 party against claims based on acts or omissions of the party
3 11 providing the indemnification, or if it requires a party
3 12 to purchase a project-specific insurance policy, including
3 13 an owner's or contractor's protective insurance, project
3 14 management protective liability insurance, or builder's risk
3 15 insurance. The bill does not apply to the indemnity of a
3 16 surety by a principal on any surety bond or to an insurer's
3 17 obligation to its insureds.
3 18 The bill defines a "lower=tier party" to a contract to mean
3 19 a party to the contract that acts as a subcontractor, specialty
3 20 contractor, or supplier. The bill defines an "upper=tier
3 21 party" to a contract to mean a party to the contract that
3 22 acts as a general contractor. The bill provides that if
3 23 an upper=tier party to a construction contract is named as
3 24 an additional insured or additionally named insured on a
3 25 commercial general liability or similar liability policy of
3 26 insurance of a lower=tier party to a construction contract,
3 27 the coverage to the upper=tier party is limited to the cost
3 28 of defense and vicarious liability, and the policy will not
3 29 extend coverage for the upper=tier party's negligence. The
3 30 bill provides that if a court action or other binding dispute
3 31 resolution proceeding is brought against an upper=tier party
3 32 for personal injury by an employee of a lower=tier party
3 33 to a construction contract, and it is determined that the
3 34 upper=tier party to the construction contract has no liability
3 35 to the employee other than vicarious liability, the upper=tier



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

House Study Bill 80 continued

4 1 party has a claim of indemnity for all costs associated with
4 2 defending the action against any party in the contractual chain
4 3 determined to have any liability for the personal injury.
4 4 The bill provides that any liability of the employee for the
4 5 employee's own personal injury shall be attributed to the
4 6 employee's employer for purposes of such an action. The bill
4 7 provides that such an indemnification obligation will be joint
4 8 and several among the parties found liable for the personal
4 9 injury.

LSB 2087YC (2) 84

je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 81

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON WAGNER)

A BILL FOR

1 An Act permitting city utilities and certain cities to delegate
2 the authority to certify unpaid rates or charges for
3 collection by the county treasurer.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2136HC (2) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

House Study Bill 81 continued

PAG LIN

1 1 Section 1. Section 384.84, subsection 4, paragraph a,
1 2 subparagraph (1), Code 2011, is amended to read as follows:
1 3 (1) Except as provided in paragraph "d", all rates or
1 4 charges for the services of sewer systems, storm water drainage
1 5 systems, sewage treatment, solid waste collection, water,
1 6 solid waste disposal, or any of these services, if not paid
1 7 as provided by ordinance of the council or resolution of the
1 8 trustees, are a lien upon the property or premises served
1 9 by any of these services upon certification to the county
1 10 treasurer that the rates or charges are due. The governing
1 11 body of a city utility may, by resolution, delegate to a
1 12 designee named in the resolution the city utility's authority
1 13 to certify unpaid rates or charges to the county treasurer.
1 14 The city council of a city that is contracting with a city
1 15 utility for joint billing or collection or both pursuant to
1 16 chapter 28E may, by ordinance, delegate to such city utility,
1 17 or the city utility's designee, the city's authority to certify
1 18 unpaid rates or charges to the county treasurer.

1 19 EXPLANATION
1 20 This bill relates to the certification to a county treasurer
1 21 of unpaid rates or charges due for the services of sewer
1 22 systems, storm water drainage systems, sewage treatment, solid
1 23 waste collection, water, or solid waste disposal.
1 24 The bill would allow for a city utility to delegate its
1 25 certification authority to a designee by a resolution of the
1 26 utility's governing board. The bill also allows for a city
1 27 council to delegate its certification authority, by ordinance
1 28 of the city council, to a city utility if it has contracted
1 29 with the city utility under Code chapter 28E for joint billing
1 30 or collection services, or to that utility's designee.

LSB 2136HC (2) 84

aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 168 - Introduced

SENATE FILE
BY CHELGREN

A BILL FOR

1 An Act repealing the option of voting straight party and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2117XS (2) 84
sc/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 168 - Introduced continued

PAG LIN

1 1 Section 1. Section 49.37, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. For general elections, and for other elections in which
1 4 more than one partisan office will be filled, the ~~first section~~
~~1 5 of the ballot shall be for straight party voting arranged as~~
1 6 provided in this section.
1 7 a. ~~Each political party or organization which has~~
~~1 8 nominated candidates for more than one office shall be listed.~~
~~1 9 Instructions to the voter for straight party or organization~~
~~1 10 voting shall be in substantially the following form:~~
1 11 To vote for all candidates from a single party or
~~1 12 organization, mark the voting target next to the party or~~
~~1 13 organization name. Not all parties or organizations have~~
~~1 14 nominated candidates for all offices. Marking a straight party~~
~~1 15 or organization vote does not include votes for nonpartisan~~
~~1 16 offices, judges, or questions.~~
1 17 b. ~~Political parties and nonparty political organizations~~
~~1 18 which have nominated candidates for only one office shall~~
~~1 19 be listed below the other political organizations under the~~
~~1 20 following heading:~~
1 21 ~~Other Political Organizations. The following organizations~~
~~1 22 have nominated candidates for only one office:~~
1 23 ~~e. 1A.~~ Offices shall be arranged in groups. Partisan
1 24 offices, nonpartisan offices, judges, and public measures shall
1 25 be separated by a distinct line appearing on the ballot.
1 26 Sec. 2. Section 49.57, subsection 2, Code 2011, is amended
1 27 to read as follows:
1 28 2. ~~In the area of the general election ballot for straight~~
~~1 29 party voting, the party or organization names shall be printed~~
~~1 30 in upper case and lower case letters using a uniform font size~~
~~1 31 for each political party or nonparty political organization.~~
~~1 32 The font size shall be not less than twelve point type. After~~
1 33 the name of each candidate for a partisan office the name of
1 34 the candidate's political party shall be printed in at least
1 35 six point type. ~~The names of political parties and nonparty~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

~~Senate File 168 - Introduced continued~~

~~2 1 political organizations may be abbreviated on the remainder of~~
~~2 2 the ballot if both the full name and the abbreviation appear~~
~~2 3 in the "Straight Party" and "Other Political Party" areas of~~
~~2 4 the ballot.~~

2 5 Sec. 3. Section 49.98, Code 2011, is amended to read as
2 6 follows:

2 7 49.98 Counting ballots.

2 8 The ballots shall be counted according to the voters' marks
2 9 on them as provided in sections 49.92 ~~to 49.97~~ and 49.93,
2 10 and not otherwise. If, for any reason, it is impossible
2 11 to determine from a ballot, as marked, the choice of the
2 12 voter for any office, the vote for that office shall not be
2 13 counted. ~~When there is a conflict between a straight party or~~
~~2 14 organization vote for one political party or nonparty political~~
~~2 15 organization and the vote cast by marking the voting target~~
~~2 16 next to the name of a candidate for another political party~~
~~2 17 or nonparty political organization on the ballot, the mark~~
~~2 18 next to the name of the candidate shall be held to control,~~
~~2 19 and the straight party or organization vote in that case shall~~
~~2 20 not apply as to that office.~~ A ballot shall be rejected if
2 21 the voter used a mark to identify the voter's ballot. ~~For~~
~~2 22 each voting system, the~~ The state commissioner shall, by rule
2 23 adopted pursuant to chapter 17A, develop uniform definitions of
2 24 what constitutes a vote.

2 25 Sec. 4. REPEAL. Sections 49.94, 49.95, 49.96, and 49.97,
2 26 Code 2011, are repealed.

2 27 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 28 immediate importance, takes effect upon enactment.

2 29 EXPLANATION

2 30 This bill eliminates the option of voting straight party
2 31 for all candidates of a political party or nonparty political
2 32 organization. The bill applies to the general election and
2 33 elections at which more than one partisan office is to be
2 34 filled.

2 35 The bill takes effect upon enactment.

LSB 2117XS (2) 84

sc/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 169 - Introduced

SENATE FILE
BY SCHOENJAHN

A BILL FOR

1 An Act relating to the family farm property tax credit by
2 providing for eligible entities and including effective date
3 and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1425XS (3) 84
da/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 169 - Introduced continued

PAG LIN

1 1 Section 1. Section 425A.2, subsection 4, Code 2011, is
1 2 amended by adding the following new paragraphs:
1 3 NEW PARAGRAPH. 0d. If the owner is a family farm limited
1 4 liability company, a family member who is a member of the
1 5 family farm limited liability company or the member's spouse.
1 6 NEW PARAGRAPH. 0e. If the owner is an authorized limited
1 7 liability company, a member who holds at least fifty=one
1 8 percent of all membership interests in the authorized limited
1 9 liability company, or the member's spouse.
1 10 NEW PARAGRAPH. 0f. If the owner is an individual who leases
1 11 the tract to a family farm limited liability company, a member
1 12 of the family farm limited liability company if the combined
1 13 interests of the family farm limited liability company held
1 14 by the owner of the tract and persons related to the owner as
1 15 enumerated in paragraph "a" is equal to at least fifty=one
1 16 percent of the interests of the family farm limited liability
1 17 company.
1 18 Sec. 2. Section 425A.2, subsection 6, paragraph f, Code
1 19 2011, is amended to read as follows:
1 20 f. A family farm corporation ~~or~~, family farm limited
1 21 liability company, authorized farm corporation, ~~as both are or~~
1 22 authorized limited liability company, as defined in section
1 23 9H.1, which owns the agricultural land.
1 24 Sec. 3. EFFECTIVE DATE AND APPLICABILITY. This Act takes
1 25 effect January 1, 2012, and applies to family farm limited
1 26 liability company and authorized limited liability company tax
1 27 credit claims filed on or after that date.
1 28 EXPLANATION
1 29 This bill amends Code chapter 425A which creates a family
1 30 farm tax credit which benefits an owner of agricultural land
1 31 located in a school district in which the levy for its general
1 32 school fund exceeds \$5.40 per thousand dollars of assessed
1 33 value. There are two general requirements. First, the owner
1 34 must be an individual or an eligible corporate entity. Second,
1 35 the agricultural land must be farmed by a "designated person"



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 169 - Introduced continued

2 1 who is limited to the owner or a person related to the owner.
2 2 OWNERSHIP. The bill increases the number of eligible
2 3 corporate entities entitled to claim the tax credit. Currently
2 4 the tax credit can be claimed by a family farm corporation or
2 5 an authorized farm corporation which are both exempt from the
2 6 provisions of Code chapter 9H, prohibiting corporate entities
2 7 from holding agricultural land.
2 8 CONDITIONS. The bill provides that a family farm limited
2 9 liability company must comply with the same conditions as a
2 10 family farm corporation. It must be founded for the purpose
2 11 of farming and the ownership of agricultural land; a majority
2 12 of the members must be related; all the members must be
2 13 individuals, or acting in a fiduciary capacity for individuals;
2 14 and 60 percent of its gross revenues over the last three years
2 15 must come from farming. An authorized limited liability
2 16 company must comply with the same conditions as an authorized
2 17 farm corporation. It also must be founded for the purpose of
2 18 farming and the ownership of agricultural land; there cannot be
2 19 more than 25 members who must be individuals or persons acting
2 20 in a fiduciary capacity for individuals; and it cannot hold
2 21 more than 1,500 acres of agricultural land.
2 22 RESTRICTION ON LEASES. Code chapter 425A provides that an
2 23 owner cannot qualify for the tax credit if the owner leases
2 24 the agricultural land to another person. One exception
2 25 applies when the owner is also a shareholder of a family farm
2 26 corporation and leases the land to that entity. The bill
2 27 provides that the same exception applies to an owner who is
2 28 also a member of a family farm limited liability company. The
2 29 owner leasing the agricultural land to a family farm limited
2 30 liability company cannot qualify for the tax credit, unless a
2 31 designated person is actually farming the agricultural land,
2 32 and 51 percent or more of the total membership interest in the
2 33 family farm limited liability company is held by the owner or
2 34 the owner's relatives.
2 35 EFFECTIVE DATE. The bill takes effect January 1, 2012,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 169 - Introduced continued

3 1 and applies to a family farm limited liability company and
3 2 authorized limited liability company tax credit filed on or
3 3 after that date.

LSB 1425XS (3) 84

da/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 170 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act establishing a deregulated schools pilot program for
2 certain public and nonpublic schools.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2069XS (2) 84
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 170 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 256F.12 Deregulated schools pilot
1 2 program.
1 3 1. Program established. A deregulated schools pilot program
1 4 is established to provide public and nonpublic schools with
1 5 greater flexibility. By January 1, 2012, the department shall
1 6 select not more than six public school pilot project proposals
1 7 and not more than six nonpublic school pilot project proposals
1 8 submitted in accordance with subsection 3. School districts
1 9 and nonpublic schools selected to implement pilot projects
1 10 pursuant to this section may continue the projects through the
1 11 2016=2017 school year.
1 12 2. Program purposes. The purposes of the deregulated
1 13 schools pilot program shall be to accomplish the following:
1 14 a. Improve student learning.
1 15 b. Increase learning opportunities for all students, with
1 16 special emphasis on expanded learning experiences for students
1 17 identified as academically low=achieving.
1 18 c. Encourage different and innovative methods to address
1 19 various learning styles.
1 20 d. Encourage different and innovative methods of teaching.
1 21 e. Increase choice of learning opportunities for children.
1 22 f. Establish a new form of accountability for schools.
1 23 g. Create innovative measurement tools for measuring
1 24 learning outcomes.
1 25 h. Make the school the unit for improvement.
1 26 i. Relieve schools of paperwork and procedures that
1 27 are otherwise required by the state, except those required
1 28 for purposes of health, safety, fiscal accountability, and
1 29 documentation of student achievement.
1 30 3. Project proposal ==== elements.
1 31 a. The board of directors of a school district and the
1 32 authorities in charge of a nonpublic school may submit a
1 33 proposal for a deregulated school to the department not later
1 34 than October 1, 2011. The department may provide technical
1 35 assistance to a pilot project applicant upon written request.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 170 - Introduced continued

2 1 The terms and conditions for the operation of a deregulated
2 2 school shall be set forth in the proposal.
2 3 b. The proposal shall address, and criteria for approval of
2 4 the proposal shall be based on, the following:
2 5 (1) The school's budget in detail.
2 6 (2) The methods by which academic achievement will be
2 7 measured.
2 8 (3) The measures that will be used to assure that at least
2 9 ninety=five percent of the students enrolled in the school will
2 10 demonstrate a minimum of one year of academic growth for each
2 11 year of instruction.
2 12 (4) Assurance that the deregulated school shall, at a
2 13 minimum, administer the Iowa test of basic skills and the Iowa
2 14 tests of educational development in the manner and frequency
2 15 used by the majority of school districts in this state.
2 16 (5) The method to be used for resolving conflicts between
2 17 the school and the school district or the authorities in charge
2 18 of the school, as appropriate.
2 19 (6) The admissions procedures and dismissal procedures to
2 20 be employed, including the school's code of student conduct.
2 21 (7) The ways by which the school's racial and ethnic balance
2 22 reflects the community it serves or reflects the racial and
2 23 ethnic range of other schools located within the boundaries of
2 24 the school district in which the school is located.
2 25 (8) The proposed financial and administrative management
2 26 of the school including a statement of the areas in which
2 27 the school will have administrative and fiscal autonomy and,
2 28 in the case of a deregulated public school, the areas in
2 29 which the school will follow district school board fiscal and
2 30 administrative policies.
2 31 (9) The manner in which the school will be insured, the
2 32 amounts of coverage, whether the school will be required to
2 33 have liability insurance and, if so, the terms and conditions
2 34 of the liability insurance.
2 35 (10) The qualifications to be required of the teachers.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 170 - Introduced continued

- 3 1 c. The proposal shall be innovative but consistent with
3 2 the educational goals adopted by the state board pursuant to
3 3 section 256.7, subsection 4.
- 3 4 4. Eligible students. A deregulated school shall be open
3 5 to all students residing in the school district's boundaries
3 6 or within the nonpublic school's attendance boundaries. The
3 7 deregulated school shall have maximum flexibility to enroll
3 8 students.
- 3 9 5. Requirements. A deregulated public school shall be
3 10 free of tuition or fees, except those fees normally charged by
3 11 other public schools. Any deregulated school shall meet all
3 12 applicable state and local health and safety requirements.
- 3 13 6. Discrimination prohibited. A deregulated school
3 14 shall not discriminate in its student admissions policies or
3 15 practices on the basis of a student's intellectual or athletic
3 16 ability, measures of achievement or aptitude, or status as a
3 17 person with a disability. However, a deregulated school may
3 18 limit admission to students who are within a particular range
3 19 of ages or grade levels or on any other basis that would be
3 20 legal if initiated by a school district.
- 3 21 7. Reports.
- 3 22 a. The deregulated school shall make an annual progress
3 23 report to the school district or the authorities in charge of
3 24 the school, as appropriate, and to the department by a date
3 25 specified by the department. The report shall contain at least
3 26 the following information:
- 3 27 (1) The school's progress toward achieving the goals
3 28 outlined in its pilot project proposal.
- 3 29 (2) The information school districts and accredited
3 30 nonpublic schools are required to submit pursuant to section
3 31 256.7, subsection 21, paragraph "c".
- 3 32 (3) Financial records of the school, including revenues and
3 33 expenditures.
- 3 34 (4) Salary and benefit levels of school employees.
- 3 35 b. Upon receipt of the annual progress reports submitted



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 170 - Introduced continued

4 1 pursuant to paragraph "a", the department shall provide the
4 2 general assembly with a copy of each report and an analysis and
4 3 comparison of the overall performance of students, including a
4 4 comparison of the Iowa test of basic skills and Iowa tests of
4 5 educational development results for all students in deregulated
4 6 schools with the results for all public school students
4 7 enrolled in the same grade levels in the school district in
4 8 which the deregulated school is located.
4 9 8. Applicability of statutes.
4 10 a. A deregulated school shall operate in accordance with its
4 11 pilot project proposal and shall be exempt from statutes and
4 12 administrative rules otherwise applicable to school districts
4 13 and accredited nonpublic schools, except those statutes and
4 14 rules relating to student health, safety, and welfare, or as
4 15 otherwise required by this section.
4 16 b. A deregulated public school shall be subject to the
4 17 following:
4 18 (1) The open meetings and open records requirements of
4 19 chapters 21 and 22.
4 20 (2) The same financial audits, audit procedures, and
4 21 audit requirements as a school district consistent with the
4 22 requirements of sections 11.6, 11.14, 11.19, 256.9, subsection
4 23 19, and section 279.29.
4 24 (3) The initial background investigation requirements set
4 25 forth in section 279.13, subsection 1, paragraph "b".
4 26 9. Funding. The cost of educating students enrolled in
4 27 a deregulated public school shall be paid in the same manner
4 28 as for students enrolled in school districts as provided in
4 29 section 273.9, and chapters 256B and 257.
4 30 10. Length of school year. A deregulated school shall
4 31 provide instruction for at least the number of days required
4 32 by section 279.10, or the equivalent number of hours, and may
4 33 provide instruction for a number of days in addition to that
4 34 required in section 279.10.
4 35 11. Facilities. A deregulated school shall utilize



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 170 - Introduced continued

5 1 facilities that comply with the state building code adopted
5 2 pursuant to section 103A.7 and with the rules adopted for
5 3 schools by the fire marshal pursuant to section 100.35.
5 4 12. Repeal. This section is repealed January 1, 2018.

5 5 EXPLANATION

5 6 This bill establishes a deregulated schools pilot program
5 7 to provide selected public and nonpublic schools with greater
5 8 flexibility. The bill directs the department of education
5 9 to select from the applications submitted six public and six
5 10 nonpublic deregulated school pilot projects. The bill exempts
5 11 the deregulated schools from statutes and administrative
5 12 rules otherwise applicable to school districts and accredited
5 13 nonpublic schools, except those relating to student health,
5 14 safety, and welfare, and, for deregulated public schools, open
5 15 meetings and records, financial audits, and initial background
5 16 investigations of new teachers. The pilot projects may
5 17 continue through the 2016=2017 school year.

5 18 The bill sets forth the program purposes and the pilot
5 19 project proposal requirements. The terms and conditions for
5 20 the operation of a deregulated school must be set forth in the
5 21 proposal. The bill lists the issues proposals must address and
5 22 the criteria for approval of the proposals.

5 23 A deregulated school must be open to all students residing
5 24 within the school district or nonpublic school attendance
5 25 boundaries. It must not discriminate, and in the case of
5 26 deregulated public schools, shall be free of tuition and fees,
5 27 except those fees a school district is authorized to charge.
5 28 A deregulated school may limit admission to students who are
5 29 within a particular range of ages or grade levels or on any
5 30 other basis that would be legal if initiated by a school
5 31 district.

5 32 Deregulated schools shall, at a minimum, administer the Iowa
5 33 test of basic skills (ITBS) and the Iowa tests of educational
5 34 development (ITED) in the manner and frequency used by the
5 35 majority of school districts in this state.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 170 - Introduced continued

6 1 The school must make an annual progress report to the
6 2 school district or the authorities in charge of the school,
6 3 as appropriate, and to the department of education. Upon
6 4 receipt of the reports, the department must provide the
6 5 general assembly with a copy of each report and an analysis and
6 6 comparison of the overall performance of students, including a
6 7 comparison of the results of the annual ITBS and ITED results
6 8 for all students in deregulated schools with the results for
6 9 all public school students in the same grade in the school
6 10 district in which the deregulated school is located.

6 11 The cost of educating students enrolled in a deregulated
6 12 public school shall be paid in the same manner as for students
6 13 enrolled in school districts.

6 14 A deregulated school must provide instruction for at least
6 15 the statutorily required 180 days, or the equivalent number of
6 16 hours, and may provide instruction for additional days.

6 17 A deregulated school must utilize facilities that comply
6 18 with the state building code and must comply with the rules
6 19 adopted for schools by the fire marshal.

6 20 The deregulated schools pilot program is repealed January
6 21 1, 2018.

LSB 2069XS (2) 84

kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 171 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act suspending certain financial mandates and restrictions
2 for school districts for certain school budget years and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1395XS (2) 84
md/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 171 - Introduced continued

PAG LIN

1 1 Section 1. FUNDING FOR TEACHER LIBRARIANS, GUIDANCE
1 2 COUNSELORS, AND SCHOOL NURSES. Notwithstanding any provision
1 3 of a collective bargaining agreement entered into pursuant to
1 4 chapter 20, and any provision of section 256.11, subsections 9,
1 5 9A, and 9B, to the contrary, school districts are not required
1 6 to have a teacher librarian, guidance counselor, or school
1 7 nurse for any school budget year commencing during the fiscal
1 8 period beginning July 1, 2010, and ending June 30, 2013. Any
1 9 funds not expended due to this section may be expended for
1 10 school district general fund purposes.

1 11 Sec. 2. FUNDING FOR EXPANDED PHYSICAL EDUCATION
1 12 PROGRAMS AND CARDIOPULMONARY RESUSCITATION CERTIFICATION
1 13 COURSES. Notwithstanding any provision of section 256.11,
1 14 subsection 6, to the contrary, school districts may suspend
1 15 expanded physical education programs and cardiopulmonary
1 16 resuscitation certification courses for any school budget year
1 17 commencing during the fiscal period beginning July 1, 2010, and
1 18 ending June 30, 2013.

1 19 Sec. 3. FUNDING FOR THE STATEWIDE PRESCHOOL PROGRAM.
1 20 Notwithstanding any provision of chapter 256C to the contrary,
1 21 preschool foundation aid payments under chapter 256C shall
1 22 be distributed to all school districts based on a school
1 23 district's budget enrollment compared to the statewide total
1 24 budget enrollment for the school budget year beginning July 1,
1 25 2010, for any school budget year commencing during the fiscal
1 26 period beginning July 1, 2010, and ending June 30, 2013, to
1 27 be used for chapter 256C purposes, if applicable, or school
1 28 district general fund purposes.

1 29 Sec. 4. FUNDING FOR TEACHER SALARY SUPPLEMENT.
1 30 Notwithstanding any provision of a collective bargaining
1 31 agreement entered into pursuant to chapter 20 and any provision
1 32 of section 257.10, subsection 9, to the contrary, school
1 33 districts may expend teacher salary supplement funding for
1 34 school district general fund purposes for any school budget
1 35 year commencing during the fiscal period beginning July 1,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 171 - Introduced continued

2 1 2010, and ending June 30, 2013.

2 2 Sec. 5. FUNDING FOR THE PROFESSIONAL DEVELOPMENT

2 3 SUPPLEMENT. Notwithstanding any provision of a collective
2 4 bargaining agreement entered into pursuant to chapter 20
2 5 and any provision of section 257.10, subsection 10, to the
2 6 contrary, school districts may expend professional development
2 7 supplement funding for school district general fund purposes
2 8 for any school budget year commencing during the fiscal period
2 9 beginning July 1, 2010, and ending June 30, 2013.

2 10 Sec. 6. FUNDING FOR THE EARLY INTERVENTION SUPPLEMENT.

2 11 Notwithstanding any provision of a collective bargaining
2 12 agreement entered into pursuant to chapter 20 and any provision
2 13 of section 257.10, subsection 11, to the contrary, school
2 14 districts may expend early intervention supplement funding for
2 15 school district general fund purposes for any school budget
2 16 year commencing during the fiscal period beginning July 1,
2 17 2010, and ending June 30, 2013.

2 18 Sec. 7. FUNDING FOR INSTRUCTIONAL SUPPORT. Notwithstanding
2 19 any provision of section 257.19, to the contrary, school
2 20 districts may additionally expend instructional support funds
2 21 for funding purposes under sections 257.41 and 257.46 for
2 22 any school budget year commencing during the fiscal period
2 23 beginning July 1, 2010, and ending June 30, 2013.

2 24 Sec. 8. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
2 25 Act, being deemed of immediate importance, takes effect upon
2 26 enactment and applies to the expenditure of funds by school
2 27 districts on and after that date.

2 28 EXPLANATION

2 29 This bill suspends several program and financial mandates
2 30 and restrictions for school districts for any school budget
2 31 year commencing during the fiscal period beginning July 1,
2 32 2010, and ending June 30, 2013.

2 33 The bill suspends requirements in Code section 256.11(9),
2 34 (9A), and (9B), so that school districts are not required
2 35 during these budget years to have a teacher librarian, a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 171 - Introduced continued

3 1 guidance counselor, or school nurse. The bill states that any
3 2 contrary provision of a collective bargaining agreement is also
3 3 suspended.

3 4 School districts may suspend expansion of physical education
3 5 programs and cardiopulmonary resuscitation certification
3 6 courses under Code section 256.11(6).

3 7 The bill pools the statewide preschool program funding in
3 8 Code chapter 256C and redistributes it to all school districts
3 9 based on a district's budget enrollment as compared to the
3 10 statewide total budget enrollment, using the enrollment counts
3 11 from the school budget year beginning July 1, 2010. The
3 12 redistributed funds may be used for Code chapter 256C purposes,
3 13 if applicable, or school district general fund purposes.

3 14 Categorical allowable growth funds, including supplemental
3 15 funding for teacher salaries under Code section 257.10(9),
3 16 professional development under Code section 257.10(10), and
3 17 early intervention programs under Code section 257.10(11), are
3 18 made expendable for school district general fund purposes.

3 19 The bill states that any contrary provision of a collective
3 20 bargaining agreement pertaining to this action is suspended.

3 21 The bill also removes restrictions on instructional support
3 22 funds in Code section 257.19 so that the funds may be used for
3 23 funding dropout prevention programs under Code section 257.41,
3 24 and gifted and talented programs under Code section 257.46.

3 25 The bill takes effect upon enactment and applies on and after
3 26 the date of enactment. Any funds referenced in the bill that
3 27 are not yet expended on the effective date of the bill for the
3 28 school budget year beginning July 1, 2010, are affected.

LSB 1395XS (2) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 172 - Introduced

SENATE FILE

BY MCKINLEY, ZAUN,
BOETTGER, BACON,
JOHNSON, CHELGREN,
HOUSER, and WHITVER

A BILL FOR

1 An Act authorizing a school district to adopt a mandatory
2 uniform policy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1697XS (3) 84
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 172 - Introduced continued

PAG LIN

1 1 Section 1. Section 279.58, subsection 1, Code 2011, is
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 279.58, subsection 2, Code 2011, is amended
1 4 to read as follows:

1 5 2. The board of directors of a school district may adopt,
1 6 for the district or for an individual school within the
1 7 district, a mandatory uniform policy or a dress code policy
1 8 ~~that prohibits students from wearing gang-related or other~~
1 9 ~~specific apparel~~ if the board determines that the such a policy
1 10 is necessary for the health, safety, or positive educational
1 11 environment of students and staff in the school environment or
1 12 for the appropriate discipline and operation of the school.

1 13 3. Adoption and enforcement of a mandatory uniform policy
1 14 or a dress code policy pursuant to this section is not a
1 15 violation of section 280.22 if the policy is viewpoint neutral,
1 16 is reasonably related to legitimate pedagogical concerns, or
1 17 protects students from sexually explicit, indecent, or lewd
1 18 speech.

1 19 EXPLANATION

1 20 This bill authorizes a school district to adopt, for the
1 21 school district or for an individual school, a mandatory
1 22 uniform policy, in addition to the dress code policy currently
1 23 authorized by the Code, if the board determines that such
1 24 a policy is necessary for the health, safety, or positive
1 25 educational environment of students and staff in the school
1 26 environment or for the appropriate discipline and operation of
1 27 the school.

1 28 The bill provides that such policies are not a violation
1 29 of Code section 280.22, which establishes that public school
1 30 students have the right to exercise freedom of speech, if
1 31 the policy is viewpoint neutral, is reasonably related to
1 32 legitimate pedagogical concerns, or protects students from
1 33 sexually explicit, indecent, or lewd speech.

LSB 1697XS (3) 84

kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 173 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act providing for a special education alternative reading
2 instruction pilot program and including a contingency clause
3 and effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2235XS (4) 84
je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 173 - Introduced continued

PAG LIN

1 1 Section 1. SPECIAL EDUCATION PILOT PROGRAM ==== READING
1 2 LABORATORY.
1 3 1. Recognizing the state's desire to assist children to
1 4 grow, develop, and learn to their fullest extent and empower
1 5 young readers in grades kindergarten through three, and to
1 6 support student achievement and overall academic performance,
1 7 and recognizing that instructional methodologies and strategies
1 8 are important considerations in determining the appropriate
1 9 education for a child with a learning disability, a reading
1 10 laboratory pilot program is established. The objective of
1 11 the program shall be to evaluate methodologies and strategies
1 12 used to teach reading that could be implemented to ensure that
1 13 the state is meeting the unique needs of individual children;
1 14 and to assist with student placement decisions in education
1 15 programs, including placement in the special education program.
1 16 2. The program shall be administered by the department
1 17 of education, and shall afford a private education provider
1 18 the opportunity to demonstrate effective methodologies
1 19 and strategies in teaching reading for students in grades
1 20 kindergarten through three identified with special needs. A
1 21 private education provider shall be selected by the department,
1 22 which meets the following criteria from among those submitting
1 23 an application for consideration:
1 24 a. The provider shall be doing business in at least two
1 25 locations in a county which contains a school district with an
1 26 enrollment of at least twenty=five thousand pupils in grades
1 27 kindergarten through twelve.
1 28 b. The provider shall possess at least fifteen years of
1 29 business experience in the application of methodologies and
1 30 strategies designed to improve reading skills for students in
1 31 grades kindergarten through twelve.
1 32 c. The provider shall employ at least forty trained staff,
1 33 including at least one staff member who is a licensed special
1 34 education consultant.
1 35 d. The provider shall be able to document success in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 173 - Introduced continued

2 1 improving student achievement in reading skills in grades
2 2 kindergarten through three.
2 3 3. The department shall develop private provider
2 4 application forms, and shall publish notice and provide
2 5 information on the department's internet site regarding the
2 6 existence of the pilot program, application procedures, and
2 7 program participation. The private education provider which
2 8 meets all of the eligibility criteria set forth in this section
2 9 shall be selected by the department, and the selection process
2 10 shall be conducted without bidding.
2 11 4. Students in grades kindergarten through three,
2 12 residing in a county which contains a school district with an
2 13 enrollment of at least twenty-five thousand students in grades
2 14 kindergarten through twelve, and who have been identified
2 15 by the school district as qualifying for special education
2 16 services with mild or moderate learning disabilities involving
2 17 difficulty in reading, shall be eligible to participate in the
2 18 program. School districts shall be responsible in coordination
2 19 with the local area education agency for determining the
2 20 students who meet the eligibility requirements, for notifying
2 21 parents and guardians regarding the existence of the program
2 22 and providing an application form and any other necessary
2 23 information, and for submitting applications to the department.
2 24 The department shall select a maximum of fifty students
2 25 from those students submitting an application. Selection of
2 26 students shall be done randomly in the event that more than
2 27 fifty students submit applications, beginning with students
2 28 in the third grade, then second, then first, and finally
2 29 kindergarten, with students eligible for free and reduced-price
2 30 meals under the federal National School Lunch Act and the
2 31 federal Child Nutrition Act of 1966, 42 U.S.C. { 1751=1785,
2 32 given priority. Additional eligibility requirements may be
2 33 established by the private education provider, including
2 34 intelligence quotient testing scores, in order to provide
2 35 reliable and beneficial program results. Students submitting



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 173 - Introduced continued

3 1 an application shall be provided with an intelligence test
3 2 selected by the department and administered by the local
3 3 area education agency. The results of the test shall remain
3 4 confidential and shall only be used by the area education
3 5 agency to determine eligibility and participation in the pilot
3 6 program.

3 7 5. Pilot program instruction shall be provided on
3 8 the premises of the private education provider. Student
3 9 instruction shall be provided over a nine=week period during
3 10 the months of June, July, and August 2011. The private
3 11 education provider shall ensure that each student receives
3 12 reading instruction appropriate for the student, for a
3 13 minimum of seven hours per week, with the instruction received
3 14 considered separate and distinct from the student's current
3 15 individual education plan. The school district shall provide
3 16 transportation expenses for the student to the private
3 17 education provider's location, or shall provide reimbursement
3 18 for transportation expenses to parents or guardians in an
3 19 amount determined by the school district board of directors.

3 20 6. The private education provider shall gather performance
3 21 data to provide for program accountability, including but not
3 22 limited to pretesting and posttesting, to measure improvement
3 23 by each student during instruction, and upon the conclusion
3 24 of the program. The private education provider shall consult
3 25 with the local area education agency for assistance with
3 26 pretesting and posttesting, and the area education agency shall
3 27 approve the tests utilized. The private education provider
3 28 shall provide progress reports to the parents or guardians of
3 29 participating students, to the school district in which the
3 30 participating students are enrolled, and to the department.
3 31 The department, in conjunction with the legislative services
3 32 agency and the private provider, shall review and analyze the
3 33 data collected and submitted by the private education provider.
3 34 Full assurance relating to confidentiality of identification of
3 35 individual students' scores shall be provided. The department



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 173 - Introduced continued

4 1 shall submit a cost=benefit analysis report to the members
4 2 of the general assembly by January 1, 2012, summarizing the
4 3 results of the pilot program. The report shall include an
4 4 analysis of the student improvement as measured through test
4 5 scores, and a short=term and long=term cost savings analysis
4 6 for implementing the private education provider's instruction
4 7 methodology and strategies. The analysis of the cost savings
4 8 shall include savings due to a reduction in the statewide
4 9 average length of participation in the special education
4 10 program. The report shall also include recommendations
4 11 relating to statewide implementation of the pilot program.
4 12 The legislative services agency shall conduct a survey of
4 13 other reading studies conducted in the state and shall include
4 14 in the report results relating to public school reading
4 15 initiatives. The department shall submit a follow=up report
4 16 by January 1, 2013, tracking continued improvement by students
4 17 who participated in the program, and including the number of
4 18 students who are no longer identified as requiring special
4 19 education instruction.
4 20 7. The implementation of the pilot program pursuant to this
4 21 section shall be contingent upon the appropriation of an amount
4 22 sufficient to fund the costs of the program for the fiscal year
4 23 beginning July 1, 2011, and ending June 30, 2012.
4 24 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
4 25 importance, takes effect upon enactment.
4 26 EXPLANATION
4 27 This bill provides for the establishment of a special
4 28 education alternative instruction pilot program focusing on
4 29 improving reading skills in grades kindergarten through three.
4 30 The bill provides intent language supporting the
4 31 establishment of the program. The bill states that the
4 32 objective of the program shall be to evaluate methodologies and
4 33 strategies used to teach reading that could be implemented to
4 34 ensure that the state is meeting the unique needs of individual
4 35 children, and to assist with student placement decisions



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 173 - Introduced continued

5 1 in education programs, including placement in the special
5 2 education program.
5 3 The program shall be administered by the department of
5 4 education, and shall involve instruction by a private education
5 5 provider intended to demonstrate effective methodologies
5 6 and strategies in teaching reading for students in grades
5 7 kindergarten through three identified with special needs. The
5 8 bill provides that a private provider that meets specified
5 9 criteria shall be selected by the department. The department
5 10 shall develop private provider application forms and shall
5 11 publish notice regarding the program, and the selection process
5 12 shall be conducted without bidding.
5 13 The bill provides that eligible students shall be in grades
5 14 kindergarten through three, residing in a county containing
5 15 a school district with an enrollment of at least 25,000
5 16 students in grades kindergarten through 12, and shall have been
5 17 identified as qualifying for special education services with
5 18 mild or moderate learning disabilities involving difficulty
5 19 in reading. The bill provides that school districts shall
5 20 be responsible for determining the students who meet the
5 21 eligibility requirements, in coordination with the local area
5 22 education agency. The bill provides that the department shall
5 23 select a maximum of 50 students from those students submitting
5 24 an application. The bill provides that additional eligibility
5 25 requirements may be established by the private provider, and
5 26 that students submitting an application shall be provided
5 27 with an intelligence test selected by the department and
5 28 administered by the local area education agency. The bill
5 29 provides that the results of the test shall remain confidential
5 30 and shall only be used by the area education agency to
5 31 determine eligibility and participation in the pilot program.
5 32 The bill provides that instruction shall be provided on the
5 33 premises of the private provider over a nine=week period during
5 34 the months of June, July, and August 2011, for a minimum of
5 35 seven hours per week, with the instruction received considered



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 173 - Introduced continued

6 1 separate and distinct from the student's current individual
6 2 education plan. The bill provides that the school district
6 3 shall provide transportation for the student to the private
6 4 provider's location, or reimbursement to parents or guardians
6 5 for transportation expenses.
6 6 The bill provides that the private provider shall gather
6 7 performance data to provide for program accountability, with
6 8 the assistance of the local area education agency, and shall
6 9 provide progress reports to the parents or guardians of
6 10 participating students, to the school district in which the
6 11 participating students are enrolled, and to the department.
6 12 The bill provides that the department, in conjunction with the
6 13 legislative services agency and the private provider, shall
6 14 review and analyze the data, with full assurance relating to
6 15 confidentiality of identification of individual students'
6 16 scores, and that the department shall submit a cost=benefit
6 17 analysis report to the members of the general assembly by
6 18 January 1, 2012, summarizing the results of the pilot program.
6 19 The bill provides that the report shall include an analysis
6 20 of the student improvement as measured through test scores, a
6 21 short=term and long=term cost savings analysis for implementing
6 22 the provider's instruction methodology and strategies,
6 23 recommendations relating to statewide implementation of
6 24 the program, and results relating to public school reading
6 25 initiatives surveyed by the legislative services agency.
6 26 The bill provides for a follow=up progress report regarding
6 27 students who had participated in the program by January 1,
6 28 2013.
6 29 The bill provides that implementation of the program shall
6 30 be contingent upon an appropriation to fund the costs of the
6 31 program for the fiscal year beginning July 1, 2011, and ending
6 32 June 30, 2012.
6 33 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 174 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act relating to certain reporting requirements required
2 of school districts, accredited nonpublic schools, and
3 community colleges.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2227XS (2) 84
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 174 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 21, paragraph c, Code
1 2 2011, is amended to read as follows:
1 3 c. A requirement that all school districts and accredited
1 4 nonpublic schools annually report to the department and the
1 5 local community the district-wide progress made in attaining
1 6 student achievement goals on the academic and other core
1 7 indicators and the district-wide progress made in attaining
1 8 locally established student learning goals. The school
1 9 districts and accredited nonpublic schools shall demonstrate
1 10 the use of multiple assessment measures in determining student
1 11 achievement levels. The school districts and accredited
1 12 nonpublic schools shall also report the number of students who
1 13 graduate, utilizing the definition of graduation rate specified
1 14 by the national governors association; the number of students
1 15 who drop out of school; the number of students pursuing a high
1 16 school equivalency diploma pursuant to chapter 259A; the number
1 17 of students who were enrolled in the district within the past
1 18 five years and who received a high school equivalency diploma;
1 19 the percentage of students who received a high school diploma
1 20 and who were not proficient in reading, mathematics, and
1 21 science in grade eleven; the number of students in the prior
1 22 year who were enrolled as high school juniors and were within
1 23 four units of meeting the district's graduation requirements
1 24 when so enrolled; the number of students who are tested and
1 25 the percentage of students who are so tested annually; and the
1 26 percentage of students who graduated during the prior school
1 27 year and who completed a core curriculum. The board shall
1 28 develop and adopt uniform definitions consistent with the
1 29 federal No Child Left Behind Act of 2001, Pub. L. No. 107=110
1 30 and any federal regulations adopted pursuant to the federal
1 31 Act. The school districts and accredited nonpublic schools may
1 32 report on other locally determined factors influencing student
1 33 achievement. The school districts and accredited nonpublic
1 34 schools shall also report to the local community their results
1 35 by individual attendance center.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 174 - Introduced continued

2 1 Sec. 2. Section 256D.1, subsection 1, paragraph b,
2 2 subparagraph (1), Code 2011, is amended to read as follows:
2 3 (1) A school district shall at a minimum biannually
2 4 inform parents of their individual child's performance on the
2 5 diagnostic assessments in kindergarten through grade three.
2 6 If intervention is appropriate, the school district shall
2 7 inform the parents of the actions the school district intends
2 8 to take to improve the child's reading skills and provide the
2 9 parents with strategies to enable the parents to improve their
2 10 child's skills. If the diagnostic assessments administered
2 11 in accordance with this subsection indicate that a child is
2 12 reading below grade level, the school district shall submit
2 13 a report of the assessment results to the parent, which the
2 14 parent shall sign and return to the school district. If the
2 15 parent does not sign or return the report, the school district
2 16 shall note the parent's inaction in the student's record. The
2 17 board of directors of each school district shall adopt a policy
2 18 indicating the methods the school district will use to inform
2 19 parents of their individual child's performance.
2 20 Sec. 3. Section 260C.14, Code 2011, is amended by adding the
2 21 following new subsection:
2 22 NEW SUBSECTION. 23. Request that a student pursuing
2 23 or receiving a high school equivalency diploma inform the
2 24 community college of the student's school district of residence
2 25 and the last year in which the student was enrolled in the
2 26 school district of residence. The community college shall
2 27 annually report to the school district of residence the number
2 28 of students from the school district who are pursuing or
2 29 receiving a high school equivalency diploma at the community
2 30 college.

2 31 EXPLANATION

2 32 This bill reestablishes certain paperwork and reporting
2 33 requirements for school districts, accredited nonpublic
2 34 schools, and community colleges that were eliminated by
2 35 legislation enacted in 2009.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 174 - Introduced continued

3 1 The bill requires school districts and accredited nonpublic
3 2 schools, when reporting the number of students who graduate,
3 3 to utilize the definition of graduation rate specified by the
3 4 national governors association. The bill also requires school
3 5 districts and accredited nonpublic schools to report the number
3 6 of students pursuing and receiving a high school equivalency
3 7 diploma, the percentage of students receiving a high school
3 8 diploma who were not proficient in core areas by grade 11, and
3 9 the number of high school juniors who, for the prior year, were
3 10 within four units of meeting graduation requirements.

3 11 If a child's performance on diagnostic assessments in
3 12 kindergarten through grade three indicates the child is reading
3 13 below grade level, the bill requires a school district to
3 14 submit a report to the child's parent or guardian and requires
3 15 the parent or guardian to sign and return the report. If the
3 16 parent or guardian does not sign and return the report, the
3 17 inaction is to be noted in the student's record.

3 18 The bill also requires that the board of directors of a
3 19 community college request students pursuing or receiving a
3 20 high school equivalency diploma at the community college to
3 21 identify their school districts of residence and the last
3 22 year in which they were enrolled in the school district. The
3 23 community college is required to report to the affected school
3 24 districts the number of students from the school district who
3 25 are pursuing or receiving a high school equivalency diploma at
3 26 the community college.

LSB 2227XS (2) 84

kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 175 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 32)

A BILL FOR

1 An Act extending the repeal date for the prevention of
2 disabilities policy council.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1491SV (1) 84
jp/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 175 - Introduced continued

PAG LIN

1 1 Section 1. Section 225B.8, Code 2011, is amended to read as
1 2 follows:

1 3 225B.8 Repeal.

1 4 This chapter is repealed July 1, ~~2011~~ 2016.

1 5 EXPLANATION

1 6 This bill extends the repeal date for the prevention of
1 7 disabilities policy council in Code section 225B.8 by five
1 8 years from July 1, 2011, to July 1, 2016.

1 9 The council is established in Code chapter 225B to provide
1 10 oversight in the development and operation of a coordinated
1 11 prevention of disabilities system. It consists of 13 members,
1 12 including four legislators, and is supported by a technical
1 13 assistance committee consisting of representatives of various
1 14 state agencies and the three state universities.

LSB 1491SV (1) 84

jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 176 - Introduced

SENATE FILE
BY FEENSTRA

A BILL FOR

1 An Act relating to state student assistance for students
2 enrolled in certain postsecondary institutions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1850XS (5) 84
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 176 - Introduced continued

PAG LIN

1 1 Section 1. Section 261.2, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 11. Ensure that state financial aid awarded
1 4 to a student under a program administered by the commission is
1 5 not paid to any for-profit postsecondary institution under any
1 6 program administered by the commission.

1 7 Sec. 2. Section 261.9, subsection 1, paragraphs b and c,
1 8 Code 2011, are amended to read as follows:

1 9 b. ~~Is accredited by the north central association of~~
~~1 10 colleges and secondary schools accrediting agency based~~
~~1 11 on their requirements, is exempt from taxation~~ Qualifies
1 12 under section 501(c)(3) of the Internal Revenue Code as an
1 13 organization exempt from taxation, and annually provides a
1 14 matching aggregate amount of institutional financial aid equal
1 15 to at least seventy-five percent of the amount received in a
1 16 fiscal year by the institution's students for Iowa tuition
1 17 grant assistance under this chapter. Commencing with the
1 18 fiscal year beginning July 1, 2006, the matching aggregate
1 19 amount of institutional financial aid shall increase by the
1 20 percentage of increase each fiscal year of funds appropriated
1 21 for Iowa tuition grants under section 261.25, subsection 1, to
1 22 a maximum match of one hundred percent. The institution shall
1 23 file annual reports with the commission prior to receipt of
1 24 tuition grant moneys under this chapter. An institution whose
~~1 25 income is not exempt from taxation under section 501(c) of~~
~~1 26 the Internal Revenue Code and whose students were eligible to~~
~~1 27 receive Iowa tuition grant money in the fiscal year beginning~~
~~1 28 July 1, 2003, shall meet the match requirements of this~~
~~1 29 paragraph no later than June 30, 2005.~~

1 30 c. Is a specialized college that is accredited by the
1 31 north central association of colleges and secondary schools
1 32 accrediting agency, qualifies under section 501(c)(3) of the
1 33 Internal Revenue Code as an organization exempt from taxation,
1 34 and which offers health professional programs that are
1 35 affiliated with health care systems located in Iowa.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 176 - Introduced continued

2 1 Sec. 3. Section 261.25, subsections 2 and 6, Code 2011, are
2 2 amended by striking the subsections.

2 3 EXPLANATION

2 4 This bill makes changes relating to state student assistance
2 5 for students enrolled in certain postsecondary institutions.

2 6 The bill directs the college student aid commission to
2 7 ensure that state financial aid awarded to a student under
2 8 a program administered by the commission is not paid to any
2 9 for-profit postsecondary institution.

2 10 The bill amends language defining "accredited private
2 11 institutions" to provide that such institutions that offer
2 12 health professional programs affiliated with Iowa-based health
2 13 care systems, whose students are eligible for Iowa tuition
2 14 grants, must be institutions that qualify as exempt from
2 15 taxation under the federal Internal Revenue Code.

2 16 The bill also strikes standing limited appropriations for
2 17 students attending certain defined for-profit accredited
2 18 private institutions and makes conforming changes.

LSB 1850XS (5) 84

kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 177 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 15)

A BILL FOR

1 An Act relating to the director of the Iowa law enforcement
2 academy and the membership of the Iowa law enforcement
3 academy council and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1404SV (2) 84
je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 177 - Introduced continued

PAG LIN

1 1 Section 1. Section 80B.5, Code 2011, is amended to read as
1 2 follows:

1 3 80B.5 Administration.

1 4 The administration of this chapter shall be vested in the
1 5 office of the governor. A director of the academy ~~and such~~
~~1 6 shall be appointed by the governor from a slate of nominees~~
1 7 submitted to the governor by the Iowa law enforcement academy
1 8 council. The council shall submit a slate of up to three
1 9 nominees for the position to the governor for the governor's
1 10 consideration. The nominees shall be chosen by the affirmative
1 11 vote of a majority of council members upon the basis of their
1 12 qualifications and without regard to political affiliation.
1 13 The slate of nominees may include the current director. The
1 14 governor may reject any slate of nominees submitted by the
1 15 council. If the governor rejects a slate of nominees, the
1 16 council shall submit another slate of nominees to the governor
1 17 in the same manner as the original slate of nominees was
1 18 submitted. The director shall serve for a four-year term
1 19 beginning on January 1 of an even-numbered year in which a
1 20 general election for the office of governor will not take
1 21 place. A vacancy in this position shall be filled in the
1 22 same manner as the original appointee. An appointee filling
1 23 a vacancy shall serve for the remainder of the original term.
1 24 Other staff as may be necessary for ~~it~~ the academy to function
1 25 shall be employed pursuant to the ~~Iowa~~ merit system provisions
1 26 of chapter 8A, subchapter IV.

1 27 Sec. 2. Section 80B.6, subsection 1, Code 2011, is amended
1 28 to read as follows:

- 1 29 1. ~~There is created the~~ An Iowa law enforcement academy
1 30 council ~~which shall consist~~ is created consisting of the
1 31 following ~~seven~~ twelve voting members appointed by the
1 32 governor, subject to confirmation by the senate, to terms of
1 33 four years commencing as provided in section 69.19:
1 34 a. Three residents of the state.
1 35 b. A sheriff of a county who is a member of the Iowa state



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 177 - Introduced continued

2 1 sheriffs and deputies association.

2 2 c. A deputy sheriff of a county who is a member of the Iowa
2 3 state sheriffs and deputies association.

2 4 d. A member of the Iowa peace officers association.

2 5 e. A member of the Iowa state police association.

2 6 f. A member of the Iowa police chiefs association.

2 7 ~~e.~~ g. A police officer who is a member of a police
2 8 department of a city with a population ~~larger than~~ of fifty
2 9 thousand persons or more.

2 10 ~~d.~~ h. A police officer who is a member of a police
2 11 department of a city with a population of less than fifty
2 12 thousand persons.

2 13 ~~e.~~ i. A member of the department of public safety.

2 14 j. A member of the office of motor vehicle enforcement of
2 15 the department of transportation.

2 16 Sec. 3. POSITION ABOLISHED. The position of the director
2 17 of the Iowa law enforcement academy, subject to the merit
2 18 system provisions of chapter 8A, subchapter IV, is abolished on
2 19 December 31, 2011.

2 20 Sec. 4. APPLICABILITY. Section 1 of this Act applies to the
2 21 appointment of the director of the Iowa law enforcement academy
2 22 for terms beginning on or after January 1, 2012.

2 23 EXPLANATION

2 24 Current law provides that the position of director of the
2 25 Iowa law enforcement academy is a state merit system position.
2 26 This bill provides that the director is appointed by the
2 27 governor from a slate of up to three nominees submitted by
2 28 the Iowa law enforcement academy council. The bill provides
2 29 that nominees be chosen by the affirmative vote of a majority
2 30 of council members based on their qualifications and without
2 31 regard to political affiliation. The bill provides that the
2 32 council may include the current director in the slate of
2 33 nominees. The bill provides that the governor may reject any
2 34 slate of nominees submitted by the council, and the council
2 35 must then submit another slate of nominees to the governor in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 177 - Introduced continued

3 1 the same manner as the original slate. The bill provides that
3 2 the director serves for a four=year term starting on January
3 3 1 in each even=numbered year in which a general election for
3 4 the office of governor will not take place. The bill provides
3 5 that a vacancy in the position be filled in the same manner as
3 6 the original appointee, with the new appointee serving for the
3 7 remainder of the original term.
3 8 The bill abolishes the merit position of the director of the
3 9 Iowa law enforcement academy on December 31, 2011.
3 10 The bill applies to the appointment of the director of the
3 11 Iowa law enforcement academy for terms beginning on or after
3 12 January 1, 2012.
3 13 The bill increases the number of voting members on the
3 14 Iowa law enforcement academy council from seven to 12. The
3 15 additional members include a deputy sheriff of a county who is
3 16 a member of the Iowa state sheriffs and deputies association,
3 17 a member of the Iowa peace officers association, a member of
3 18 the Iowa state police association, a member of the Iowa police
3 19 chiefs association, and a member of the office of motor vehicle
3 20 enforcement of the department of transportation.
LSB 1404SV (2) 84
je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 178 - Introduced

SENATE FILE

BY SODDERS, DANIELSON,
DOTZLER, SENG,
HANCOCK, SCHOENJAHN,
McCOY, HORN, DEARDEN,
HATCH, COURTNEY,
GRONSTAL, KIBBIE,
BLACK, QUIIRMBACH,
BEALL, RAGAN, WILHELM,
JOCHUM, and DANDEKAR

A BILL FOR

1 An Act relating to community development by allocating tax
2 credits for redevelopment of brownfields and grayfields and
3 by making an appropriation for certain community partnership
4 programs designed to support community beautification
5 projects.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1682XS (8) 84

tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 178 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.119, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. The redevelopment tax credit program for
1 4 brownfields and grayfields administered pursuant to sections
1 5 15.293A and 15.293B.
1 6 Sec. 2. Section 15.119, Code 2011, is amended by adding the
1 7 following new subsection:
1 8 NEW SUBSECTION. 2A. In allocating the amount of tax
1 9 credits authorized pursuant to subsection 1 among the programs
1 10 specified in subsection 2, the department shall allocate at
1 11 least five million dollars for purposes of subsection 2,
1 12 paragraph "f".
1 13 Sec. 3. Section 15.293A, subsections 6, 7, and 12, Code
1 14 2011, are amended to read as follows:
1 15 6. For the fiscal year beginning July 1, 2009, the maximum
1 16 amount of tax credits issued by the department shall not
1 17 exceed one million dollars. ~~The department shall not issue~~
~~1 18 tax credits pursuant to this section in subsequent fiscal~~
~~1 19 years unless authorized pursuant to this subsection. For each~~
1 20 subsequent fiscal year, the amount of tax credits that may be
1 21 issued by the department shall be subject to the limitation in
1 22 section 15.119.
1 23 7. An investment shall be deemed to have been made on the
1 24 date the qualifying redevelopment project is completed. ~~An~~
~~1 25 investment made prior to January 1, 2009, or after June 30,~~
~~1 26 2010, shall not qualify for a tax credit under this part.~~
1 27 12. ~~If the maximum amount of tax credits available has~~
~~1 28 not been issued at the end of a fiscal year, the remaining~~
~~1 29 tax credit amount may be carried over to a subsequent fiscal~~
~~1 30 year or may be issued in advance to qualifying redevelopment~~
~~1 31 projects for a subsequent fiscal year~~ department does not issue
1 32 tax credits for the full amount allocated pursuant to section
1 33 15.119, subsection 2, paragraph "f", the remaining unallocated
1 34 amount of tax credits shall not carry forward to a subsequent
1 35 fiscal year allocation. Whenever the council approves a tax



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 178 - Introduced continued

2 1 credit which has not been allocated at the end of a fiscal
2 2 year, the department may prorate the remaining credit amount to
2 3 more than one eligible applicant.

2 4 Sec. 4. COMMUNITY PARTNERSHIP PROGRAM. There is
2 5 appropriated from the general fund of the state to the
2 6 department of natural resources for the fiscal year beginning
2 7 July 1, 2011, and ending June 30, 2012, the following amount,
2 8 or so much thereof as is necessary, to be used for the purposes
2 9 designated:

2 10 For the purposes of the community partnership program
2 11 described in section 455E.11, subsection 2, paragraph "a",
2 12 subparagraph (1), subparagraph division (a), subparagraph
2 13 subdivision (ii), subparagraph part (B):

2 14 \$ 200,000

2 15 EXPLANATION

2 16 This bill relates to community development.

2 17 The bill includes the redevelopment tax credits program for
2 18 brownfields and grayfields under the department of economic
2 19 development's aggregate tax credit limitation and makes
2 20 conforming changes to Code section 15.293A in order to allow
2 21 the department to issue tax credits under the program beginning
2 22 July 1, 2011. The bill requires the department to allocate at
2 23 least \$5 million of its maximum aggregate tax credit limitation
2 24 for purposes of the program. Including the program under
2 25 this limitation prevents the department from carrying forward
2 26 unissued credit amounts to the next fiscal year allocation.

2 27 In 2010, the general assembly authorized the department of
2 28 natural resources to expend up to \$100,000 for purposes of
2 29 providing grants to certain community partnership programs
2 30 designed to support community beautification projects. The
2 31 bill appropriates an additional \$200,000 for such purposes.

LSB 1682XS (8) 84

tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 179 - Introduced

SENATE FILE

BY WILHELM, DANIELSON,
RIELLY, BOWMAN,
BOLKCOM, DOTZLER,
JOCHUM, COURTNEY,
RAGAN, SCHOENJAHN,
HANCOCK, SENG, BEALL,
SODDERS, HOGG, BLACK,
KIBBIE, HORN,
DANDEKAR, HATCH,
GRONSTAL, and McCOY

A BILL FOR

- 1 An Act creating the red tape commission.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1753XS (8) 84
jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 179 - Introduced continued

PAG LIN

1 1 Section 1. RED TAPE COMMISSION. A commission of twenty
1 2 members is created to comprehensively review all proposed
1 3 and existing rules and regulations in order to assess the
1 4 effects of such rules and regulations on Iowa's economy and to
1 5 determine whether the resulting burdens on small businesses and
1 6 workers outweigh the intended benefits. The commission shall
1 7 also review the application processes for permits, grants, and
1 8 tax credits to ensure the processes are streamlined.
1 9 1. COMMISSION MEMBERSHIP. The commission shall consist of
1 10 the following members:
1 11 a. The director of the department of natural resources or
1 12 a designee.
1 13 b. The director of the department of economic development
1 14 or a designee.
1 15 c. The director of inspections and appeals or a designee.
1 16 d. The director of public health or a designee.
1 17 e. The director of the department of commerce or a designee.
1 18 f. The director of the department of workforce development
1 19 or a designee.
1 20 g. The director of revenue or a designee.
1 21 h. The director of the department of cultural affairs or a
1 22 designee.
1 23 i. Two small business representatives, to be appointed by
1 24 the governor and to serve at the pleasure of the governor.
1 25 j. Two environmental group representatives, to be appointed
1 26 by the governor and to serve at the pleasure of the governor.
1 27 k. One city representative, to be appointed by the governor
1 28 and to serve at the pleasure of the governor.
1 29 l. One county representative, to be appointed by the
1 30 governor and to serve at the pleasure of the governor.
1 31 m. Two members with expertise in economic development in
1 32 Iowa, to be appointed by the governor and to serve at the
1 33 pleasure of the governor.
1 34 n. Four members of the general assembly serving as
1 35 ex officio, nonvoting members, one representative to be



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 179 - Introduced continued

2 1 appointed by the speaker of the house of representatives, one
2 2 representative to be appointed by the minority leader of the
2 3 house of representatives, one senator to be appointed by the
2 4 majority leader of the senate after consultation with the
2 5 president of the senate, and one senator to be appointed by the
2 6 minority leader of the senate.

2 7 2. COMMISSION ORGANIZATION AND OPERATION.

2 8 a. The commission shall select its own chairperson and
2 9 establish its rules of procedure.

2 10 b. By December 1, 2011, the commission shall hold at least
2 11 three public hearings throughout Iowa to listen to the concerns
2 12 of Iowa citizens.

2 13 c. The commission may also meet as deemed necessary by the
2 14 chairperson.

2 15 d. A majority of the members of the commission shall
2 16 constitute a quorum.

2 17 e. Members shall serve without compensation, but may be
2 18 reimbursed for actual expenses.

2 19 f. The department of economic development shall provide
2 20 staff support for the commission.

2 21 3. REPORT. The commission shall submit recommendations
2 22 to the general assembly, the office of lean enterprise, and
2 23 the governor on or before January 15, 2012, identifying rules,
2 24 policies, or procedures for which the negative effects on
2 25 Iowa's economy, on small businesses, and on workers in this
2 26 state outweighs the intended benefits of the rules, policies,
2 27 or procedures.

2 28 4. TERMINATION. The commission shall terminate upon
2 29 submission of its report to the general assembly.

2 30 EXPLANATION

2 31 This bill creates the red tape commission. The commission's
2 32 purpose is to review state law to assess the effects of such
2 33 laws on Iowa's economy and determine whether the resulting
2 34 burdens on small businesses and workers outweigh the intended
2 35 benefits. The commission is to recommend changes in the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 179 - Introduced continued

3 1 laws relating to Iowa's small businesses. This bill defines
3 2 the commission's membership, mandates at least three public
3 3 hearings throughout Iowa, and establishes basic rules for the
3 4 commission.
3 5 The commission terminates upon submission of its report.
LSB 1753XS (8) 84
jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 180 - Introduced

SENATE FILE
BY FEENSTRA

A BILL FOR

1 An Act prohibiting school districts and area education agencies
2 from making teacher payroll deductions for membership dues
3 for employment organizations or labor unions and including
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1819XS (2) 84
je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate File 180 - Introduced continued

PAG LIN

1 1 Section 1. Section 20.9, unnumbered paragraph 1, Code 2011,
1 2 is amended to read as follows:

1 3 The public employer and the employee organization shall meet
1 4 at reasonable times, including meetings reasonably in advance
1 5 of the public employer's budget-making process, to negotiate in
1 6 good faith with respect to wages, hours, vacations, insurance,
1 7 holidays, leaves of absence, shift differentials, overtime
1 8 compensation, supplemental pay, seniority, transfer procedures,
1 9 job classifications, health and safety matters, evaluation
1 10 procedures, procedures for staff reduction, in-service training
1 11 and other matters mutually agreed upon. Negotiations shall
1 12 also include terms authorizing dues checkoff for members
1 13 of the employee organization, other than members who are
1 14 teachers licensed under chapter 272 and who are employed by a
1 15 public employer which is a school district or area education
1 16 agency, and grievance procedures for resolving any questions
1 17 arising under the agreement, which shall be embodied in a
1 18 written agreement and signed by the parties. If an agreement
1 19 provides for dues checkoff, a member's dues may be checked
1 20 off only upon the member's written request and the member may
1 21 terminate the dues checkoff at any time by giving thirty days'
1 22 written notice. Such obligation to negotiate in good faith
1 23 does not compel either party to agree to a proposal or make a
1 24 concession.

1 25 Sec. 2. NEW SECTION. 273.16 Payroll deduction for
1 26 membership dues prohibited.

1 27 An area education agency shall not deduct from a teacher's
1 28 wages or salary membership dues for any employment organization
1 29 or labor union.

1 30 Sec. 3. NEW SECTION. 279.68 Payroll deduction for
1 31 membership dues prohibited.

1 32 A school district shall not deduct from a teacher's wages or
1 33 salary membership dues for any employment organization or labor
1 34 union.

1 35 Sec. 4. APPLICABILITY. This Act applies to collective



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate File 180 - Introduced continued

2 1 bargaining agreements entered into on or after the effective
2 2 date of this Act.

2 3 EXPLANATION

2 4 This bill prohibits a school district or area education
2 5 agency from deducting membership dues for any employment
2 6 organization or labor union from a teacher's wages or salary.
2 7 The bill removes dues checkoffs for teachers licensed under
2 8 Code chapter 272 who are employed by a public employer which is
2 9 a school district or area education agency from the scope of
2 10 negotiations for collective bargaining agreements under Code
2 11 chapter 20.

2 12 The bill applies to collective bargaining agreements entered
2 13 into on or after the effective date of the bill.

LSB 1819XS (2) 84

je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate Study Bill 1095

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to inclusion of dental hygienists as approved
2 providers under managed care or prepaid services contracts
3 under the Medicaid program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2269SC (2) 84
pf/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1095 continued

PAG LIN

1 1 Section 1. Section 249A.4, subsection 7, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. Dental hygienists licensed pursuant to
1 4 chapter 153 shall be regarded as approved providers of health
1 5 care services for purposes of managed care or prepaid services
1 6 contracts under the medical assistance program. This paragraph
1 7 shall not be construed to expand the scope of practice of a
1 8 dental hygienist pursuant to chapter 153.

1 9 EXPLANATION

1 10 This bill provides that licensed dental hygienists are to
1 11 be regarded as approved providers of health care services for
1 12 managed care or prepaid services contracts under the Medicaid
1 13 program. The bill is not to be construed to expand the scope of
1 14 practice of a dental hygienist.

LSB 2269SC (2) 84

pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate Study Bill 1096

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to community mental health centers.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1785XC (3) 84
jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate Study Bill 1096 continued

PAG LIN

1 1 DIVISION I
1 2 COMMUNITY MENTAL HEALTH CENTERS ==== CATCHMENT AREAS
1 3 Section 1. NEW SECTION. 230A.101 Services system roles.
1 4 1. The role of the department of human services, through
1 5 the division of the department designated as the state
1 6 mental health authority with responsibility for state policy
1 7 concerning mental health and disability services, is to develop
1 8 and maintain policies for the mental health and disability
1 9 services system. The policies shall address the service needs
1 10 of individuals of all ages with disabilities in this state,
1 11 regardless of the individuals' places of residence or economic
1 12 circumstances, and shall be consistent with the requirements of
1 13 chapter 225C and other applicable law.
1 14 2. The role of community mental health centers in the
1 15 mental health and disability services system is to provide
1 16 an organized set of services in order to adequately meet the
1 17 mental health needs of this state's citizens based on organized
1 18 catchment areas.
1 19 Sec. 2. NEW SECTION. 230A.102 Definitions.
1 20 As used in this chapter, unless the context otherwise
1 21 requires:
1 22 1. "Administrator", "commission", "department", "disability
1 23 services", and "division" mean the same as defined in section
1 24 225C.2.
1 25 2. "Catchment area" means a community mental health center
1 26 catchment area identified in accordance with this chapter.
1 27 3. "Community mental health center" or "center" means a
1 28 community mental health center designated in accordance with
1 29 this chapter.
1 30 Sec. 3. NEW SECTION. 230A.103 Designation of community
1 31 mental health centers.
1 32 1. The division, subject to agreement by the boards of
1 33 supervisors of the affected counties and any community mental
1 34 health center that would provide services for the catchment
1 35 area, shall designate at least one community mental health



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

2 1 center under this chapter to serve the mental health needs of
2 2 the county or counties comprising the catchment area. The
2 3 designation process shall provide for the input of potential
2 4 service providers regarding designation of the initial
2 5 catchment area or a change in the designation.
2 6 2. The division shall utilize objective criteria for
2 7 designating a community mental health center to serve a
2 8 catchment area and for withdrawing such designation. The
2 9 commission shall adopt rules outlining the criteria. The
2 10 criteria shall include but are not limited to provisions for
2 11 meeting all of the following requirements:
2 12 a. An appropriate means shall be used for determining which
2 13 prospective designee is best able to serve all ages of the
2 14 targeted population within the catchment area with minimal or
2 15 no service denials.
2 16 b. An effective means shall be used for determining the
2 17 relative ability of a prospective designee to appropriately
2 18 provide mental health services and other support to consumers
2 19 residing within a catchment area as well as consumers residing
2 20 outside the catchment area. The criteria shall address the
2 21 duty for a prospective designee to arrange placements outside
2 22 the catchment area when such placements best meet consumer
2 23 needs and to provide services within the catchment area to
2 24 consumers who reside outside the catchment area when the
2 25 services are necessary and appropriate.
2 26 3. The board of directors for a designated community mental
2 27 center shall enter into an agreement with the division and
2 28 the counties affiliated with the catchment area served by
2 29 the center, as applicable. The terms of the agreement shall
2 30 include but are not limited to all of the following:
2 31 a. The period of time the agreement will be in force.
2 32 b. The services and other support the center will offer or
2 33 provide for the residents of the catchment area.
2 34 c. The standards to be followed by the center in determining
2 35 whether and to what extent the persons seeking services from



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

3 1 the center shall be considered to be able to pay the costs of
3 2 the services.
3 3 d. The policies regarding availability of the services
3 4 offered by the center to the residents of the catchment area as
3 5 well as consumers residing outside the catchment area.
3 6 e. The requirements for preparation and submission to the
3 7 division of annual audits, cost reports, program reports,
3 8 performance measures, and other financial and service
3 9 accountability information.
3 10 4. This section does not limit the authority of the board
3 11 or boards of supervisors of any county or group of counties to
3 12 continue to expend money to support operation of a center.
3 13 Sec. 4. NEW SECTION. 230A.104 Catchment areas.
3 14 1. The division shall collaborate with affected counties in
3 15 identifying community mental health center catchment areas in
3 16 accordance with the requirements of this section.
3 17 2. The division shall implement objective criteria for
3 18 identifying or revising catchment areas which shall be
3 19 identified in rule adopted by the commission. The criteria
3 20 shall provide for dividing the state into catchment areas
3 21 based upon consideration of city and county lines, population
3 22 sufficiency, geographic spread and population density, and
3 23 service provider viability, capacity, and availability. In
3 24 addition, the criteria shall include but are not limited to
3 25 provisions for meeting all of the following requirements:
3 26 a. Unless the division has determined that exceptional
3 27 circumstances exist, a catchment area shall be served by one
3 28 community mental health center. The purpose of this general
3 29 limitation is to clearly designate the center responsible and
3 30 accountable for providing core mental health services to the
3 31 target population in the catchment area and to protect the
3 32 financial viability of the centers comprising the mental health
3 33 services system in the state.
3 34 b. A formal review process shall be used in determining
3 35 whether exceptional circumstances exist that justify



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

4 1 designating more than one center to serve a catchment area.
4 2 The criteria for the review process shall include but are not
4 3 limited to a means of determining whether the catchment area
4 4 can support more than one center.
4 5 c. Criteria shall be provided that would allow the
4 6 designation of more than one center for all or a portion of a
4 7 catchment area if designation or approval for more than one
4 8 center was provided by both the division and the affected
4 9 counties as of October 1, 2010. The criteria shall require a
4 10 determination that all such centers would be financially viable
4 11 if designation is provided for all.
4 12 d. A period of time for counties to self-select the
4 13 initial catchment area affiliation in accordance with
4 14 identified criteria. In addition, the division shall identify
4 15 requirements for a county to change the county's catchment area
4 16 affiliation or to contract for certain services with a center
4 17 from a different catchment area or with an individual provider.
4 18 e. All counties in the state shall be part of a catchment
4 19 area. The identification criteria shall provide a means of
4 20 determining that each catchment area can financially support at
4 21 least one center.
4 22 Sec. 5. NEW SECTION. 230A.105 Target population ====
4 23 eligibility.
4 24 1. The target population residing in a catchment area to be
4 25 served by a community mental health center shall include but is
4 26 not limited to all of the following:
4 27 a. Individuals of any age who are experiencing a mental
4 28 health crisis.
4 29 b. Individuals of any age who have a mental health disorder.
4 30 c. Adults who have a serious mental illness or chronic
4 31 mental illness.
4 32 d. Children and youth who are experiencing a serious
4 33 emotional disturbance.
4 34 e. Individuals described in paragraph "a", "b", "c",
4 35 or "d" who have a co-occurring disorder, including but not



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

5 1 limited to substance abuse, mental retardation, a developmental
5 2 disability, brain injury, autism spectrum disorder, or another
5 3 disability or special health care need.

5 4 2. Specific eligibility criteria for members of the target
5 5 population shall be identified in administrative rules adopted
5 6 by the commission. The eligibility criteria shall address both
5 7 clinical and financial eligibility.

5 8 Sec. 6. NEW SECTION. 230A.106 Services offered.

5 9 1. A community mental health center designated in
5 10 accordance with this chapter shall offer core services and
5 11 support addressing the basic mental health and safety needs of
5 12 the target population and other residents of the catchment area
5 13 served by the center and may offer other services and support.
5 14 The core services shall be identified in administrative rules
5 15 adopted by the commission for this purpose.

5 16 2. The initial core services identified shall include all
5 17 of the following:

5 18 a. Outpatient services. Outpatient services shall consist
5 19 of evaluation and treatment services provided on an ambulatory
5 20 basis for the target population. Outpatient services include
5 21 psychiatric evaluations, medication management, and individual,
5 22 family, and group therapy. In addition, outpatient services
5 23 shall include specialized outpatient services directed to
5 24 the following segments of the target population: children,
5 25 elderly, individuals who have serious and persistent mental
5 26 illness, and residents of the service area who have been
5 27 discharged from inpatient treatment at a mental health
5 28 facility. Outpatient services shall provide elements of
5 29 diagnosis, treatment, and appropriate follow-up. The provision
5 30 of only screening and referral services does not constitute
5 31 outpatient services.

5 32 b. Twenty-four-hour emergency services. Twenty-four-hour
5 33 emergency services shall be provided through a system that
5 34 provides access to a clinician and appropriate disposition with
5 35 follow-up documentation of the emergency service provided.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

6 1 A patient shall have access to evaluation and stabilization
6 2 services after normal business hours. The range of emergency
6 3 services that shall be available to a patient may include but
6 4 are not limited to direct contact with a clinician, medication
6 5 evaluation, and hospitalization. The emergency services may
6 6 be provided directly by the center or in collaboration or
6 7 affiliation with other appropriately accredited providers.
6 8 c. Day treatment, partial hospitalization, or psychosocial
6 9 rehabilitation services. Such services shall be provided as
6 10 structured day programs in segments of less than twenty-four
6 11 hours using a multidisciplinary team approach to develop
6 12 treatment plans that vary in intensity of services and the
6 13 frequency and duration of services based on the needs of the
6 14 patient. These services may be provided directly by the center
6 15 or in collaboration or affiliation with other appropriately
6 16 accredited providers.
6 17 d. Admission screening for voluntary patients. Admission
6 18 screening services shall be available for patients considered
6 19 for voluntary admission to a state mental health institute to
6 20 determine the patient's appropriateness for admission.
6 21 e. Community support services. Community support services
6 22 shall consist of support and treatment services focused
6 23 on enhancing independent functioning and assisting persons
6 24 in the target population who have a serious and persistent
6 25 mental illness to live and work in their community setting, by
6 26 reducing or managing mental illness symptoms and the associated
6 27 functional disabilities that negatively impact such persons'
6 28 community integration and stability.
6 29 f. Consultation services. Consultation services may
6 30 include provision of professional assistance and information
6 31 about mental health and mental illness to individuals, service
6 32 providers, or groups to increase such persons' effectiveness
6 33 in carrying out their responsibilities for providing services.
6 34 Consultations may be case-specific or program-specific.
6 35 g. Education services. Education services may include



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

7 1 information and referral services regarding available
7 2 resources and information and training concerning mental
7 3 health, mental illness, availability of services and other
7 4 support, the promotion of mental health, and the prevention
7 5 of mental illness. Education services may be made available
7 6 to individuals, groups, organizations, and the community in
7 7 general.

7 8 3. A community mental health center shall be responsible
7 9 for coordinating with associated services provided by other
7 10 unaffiliated agencies to members of the target population in
7 11 the catchment area and to integrate services in the community
7 12 with services provided to the target population in residential
7 13 or inpatient settings.

7 14 Sec. 7. NEW SECTION. 230A.107 Form of organization.

7 15 1. Except as authorized in subsection 2, a community mental
7 16 health center designated in accordance with this chapter shall
7 17 be organized and administered as a nonprofit corporation.

7 18 2. A for-profit corporation, nonprofit corporation, or
7 19 county hospital providing mental health services to county
7 20 residents pursuant to a waiver approved under section 225C.7,
7 21 subsection 3, Code 2011, as of October 1, 2010, may also be
7 22 designated as a community mental health center.

7 23 Sec. 8. NEW SECTION. 230A.108 Administrative, diagnostic,
7 24 and demographic information.

7 25 Release of administrative and diagnostic information, as
7 26 defined in section 228.1, and demographic information necessary
7 27 for aggregated reporting to meet the data requirements
7 28 established by the division, relating to an individual who
7 29 receives services from a community mental health center through
7 30 the applicable central point of coordination process, may be
7 31 made a condition of support of that center by any county in the
7 32 center's catchment area.

7 33 Sec. 9. NEW SECTION. 230A.109 Funding ==== legislative
7 34 intent.

7 35 1. It is the intent of the general assembly that public



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

8 1 funding for community mental health centers designated in
8 2 accordance with this chapter shall continue to be provided as a
8 3 combination of federal, state, and county funding. The funding
8 4 sources may include but are not limited to federal supplemental
8 5 security income, block grants and other grants, and medical
8 6 assistance program funding, state allowed growth and property
8 7 tax relief funding, and county property tax funding.

8 8 2. It is the intent of the general assembly that the shared
8 9 state and county funding provided to centers be a sufficient
8 10 amount for the core services and support addressing the
8 11 basic mental health and safety needs of the residents of the
8 12 catchment area served by each center to be provided regardless
8 13 of individual ability to pay for the services and support.

8 14 3. While a community mental health center must comply with
8 15 the core services requirements and other standards associated
8 16 with designation, provision of services is subject to the
8 17 availability of a payment source for the services.

8 18 Sec. 10. NEW SECTION. 230A.110 Standards.

8 19 1. The division shall recommend and the commission shall
8 20 adopt standards for designated community mental health centers
8 21 and comprehensive community mental health programs, with
8 22 the overall objective of ensuring that each center and each
8 23 affiliate providing services under contract with a center
8 24 furnishes high-quality mental health services within a
8 25 framework of accountability to the community it serves. The
8 26 standards adopted shall be in substantial conformity with
8 27 the applicable behavioral health standards adopted by the
8 28 joint commission, formerly known as the joint commission
8 29 on accreditation of health care organizations, and other
8 30 recognized national standards for evaluation of psychiatric
8 31 facilities unless in the judgment of the division, with
8 32 approval of the commission, there are sound reasons for
8 33 departing from the standards.

8 34 2. When recommending standards under this section, the
8 35 division shall designate an advisory committee representing



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

9 1 boards of directors and professional staff of designated
9 2 community mental health centers to assist in the formulation
9 3 or revision of standards. The membership of the advisory
9 4 committee shall include representatives of professional and
9 5 nonprofessional staff, at least one representative of county
9 6 boards of supervisors and central point of coordination
9 7 administrators, and other appropriate individuals.
9 8 3. The standards recommended under this section shall
9 9 include requirements that each community mental health center
9 10 designated under this chapter do all of the following:
9 11 a. Maintain and make available to the public a written
9 12 statement of the services the center offers to residents of
9 13 the catchment area being served. The center shall employ or
9 14 contract for services with affiliates to employ staff who are
9 15 appropriately credentialed or meet other qualifications in
9 16 order to provide services.
9 17 b. If organized as a nonprofit corporation, be governed by
9 18 a board of directors which adequately represents interested
9 19 professions, consumers of the center's services, socioeconomic,
9 20 cultural, and age groups, and various geographical areas in
9 21 the catchment area served by the center. If organized as a
9 22 for-profit corporation, the corporation's policy structure
9 23 shall incorporate such representation.
9 24 c. Arrange for the financial condition and transactions of
9 25 the community mental health center to be audited once each year
9 26 by the auditor of state. However, in lieu of an audit by state
9 27 accountants, the local governing body of a community mental
9 28 health center organized under this chapter may contract with
9 29 or employ certified public accountants to conduct the audit,
9 30 pursuant to the applicable terms and conditions prescribed by
9 31 sections 11.6 and 11.19 and audit format prescribed by the
9 32 auditor of state. Copies of each audit shall be furnished by
9 33 the accountant to the administrator of the division of mental
9 34 health and disability services and the board or boards of
9 35 supervisors supporting the audited community mental health



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate Study Bill 1096 continued

10 1 center.

10 2 d. Comply with the accreditation standards applicable to the

10 3 center.

10 4 Sec. 11. NEW SECTION. 230A.111 Review and evaluation.

10 5 1. The review and evaluation of designated centers shall

10 6 be performed through a formal accreditation review process as

10 7 recommended by the division and approved by the commission.

10 8 The accreditation process shall include all of the following:

10 9 a. Specific time intervals for full accreditation reviews

10 10 based upon levels of accreditation.

10 11 b. Use of random or complaint-specific, on-site limited

10 12 accreditation reviews in the interim between full accreditation

10 13 reviews, as a quality review approach. The results of such

10 14 reviews shall be presented to the commission.

10 15 c. Use of center accreditation self-assessment tools to

10 16 gather data regarding quality of care and outcomes, whether

10 17 used during full or limited reviews or at other times.

10 18 2. The accreditation process shall include but is not

10 19 limited to addressing all of the following:

10 20 a. Measures to address centers that do not meet standards,

10 21 including authority to revoke accreditation.

10 22 b. Measures to address noncompliant centers that do not

10 23 develop a corrective action plan or fail to implement steps

10 24 included in a corrective action plan accepted by the division.

10 25 c. Measures to appropriately recognize centers that

10 26 successfully complete a corrective action plan.

10 27 d. Criteria to determine when a center's accreditation

10 28 should be denied, revoked, suspended, or made provisional.

10 29 Sec. 12. IMPLEMENTATION.

10 30 1. Community mental health centers operating under

10 31 the provisions of chapter 230A, Code 2011, and associated

10 32 standards, rules, and other requirements as of June 30, 2011,

10 33 may continue to operate under such requirements until the

10 34 department of human services, division of mental health and

10 35 disability services, and the mental health and disability



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate Study Bill 1096 continued

11 1 services commission have completed the rules adoption process
11 2 to implement the amendments to chapter 230A enacted by this
11 3 Act, identified catchment areas, and completed designations of
11 4 centers.

11 5 2. The division and the commission shall complete the rules
11 6 adoption process and other requirements addressed in subsection
11 7 1 on or before June 30, 2012.

11 8 Sec. 13. REPEAL. Sections 230A.1 through 230A.18, Code
11 9 2011, are repealed.

DIVISION II

CONFORMING AMENDMENTS

11 12 Sec. 14. Section 135.80, subsection 3, Code 2011, is amended
11 13 to read as follows:

11 14 3. The program shall provide stipends to support
11 15 psychiatrist positions with an emphasis on securing and
11 16 retaining medical directors at community mental health centers,
11 17 ~~providers of mental health services to county residents~~
11 18 ~~pursuant to a waiver approved under section 225C.7, subsection~~
11 19 ~~3,~~ and hospital psychiatric units that are located in mental
11 20 health professional shortage areas.

11 21 Sec. 15. Section 225C.4, subsection 1, paragraph o, Code
11 22 2011, is amended to read as follows:

11 23 o. Recommend to the commission minimum accreditation
11 24 standards for the maintenance and operation of community
11 25 mental health centers, services, and programs designated under
11 26 ~~section 230A.16~~ chapter 230A. The administrator's review
11 27 and evaluation of the centers, services, and programs for
11 28 compliance with the adopted standards shall be as provided in
11 29 ~~section 230A.17~~ chapter 230A.

11 30 Sec. 16. Section 225C.6, subsection 1, paragraph c, Code
11 31 2011, is amended to read as follows:

11 32 c. Adopt standards for community mental health centers,
11 33 services, and programs as recommended ~~under section 230A.16~~ by
11 34 the administrator. The administrator shall determine whether
11 35 to grant, deny, or revoke the accreditation of the centers,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate Study Bill 1096 continued

12 1 services, and programs.

12 2 Sec. 17. Section 225C.7, subsection 3, Code 2011, is amended
12 3 to read as follows:

12 4 3. ~~If a county has not established or is not affiliated~~
~~12 5 with a community mental health center under chapter 230A,~~
~~12 6 the county shall expend a portion of the money received~~
~~12 7 under this appropriation to contract with a community mental~~
~~12 8 health center to provide mental health services to the~~
~~12 9 county's residents. If such a contractual relationship~~
~~12 10 is unworkable or undesirable, the commission may waive the~~
~~12 11 expenditure requirement. However, if the commission waives the~~
~~12 12 requirement, the commission shall address the specific concerns~~
~~12 13 of the county and shall attempt to facilitate the provision~~
~~12 14 of mental health services to the county's residents through~~
~~12 15 an affiliation agreement or other means. A county must be~~
12 16 affiliated with the community mental health center designated
12 17 in accordance with chapter 230A in order to receive moneys from
12 18 the fund.

12 19 Sec. 18. Section 225C.15, Code 2011, is amended to read as
12 20 follows:

12 21 225C.15 County implementation of evaluations.

12 22 The board of supervisors of a county shall, ~~no later~~
~~12 23 than July 1, 1982,~~ require that the preadmission diagnostic
12 24 evaluation policy stated in section 225C.14 be followed with
12 25 respect to admission of persons from that county to a state
12 26 mental health institute. A community mental health center
12 27 ~~which is supported, directly or in affiliation with other~~
~~12 28 counties, by that county designated for the county's catchment~~
12 29 area may perform the preliminary diagnostic evaluations for
12 30 that county, unless the performance of the evaluations is
12 31 not covered by the agreement entered into by the county and
12 32 the center under section 230A.12, and the center's director
12 33 certifies to the board of supervisors that the center does not
12 34 have the capacity to perform the evaluations, in which case
12 35 the board of supervisors shall proceed with an alternative



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate Study Bill 1096 continued

13 1 diagnostic facility as provided under section 225C.17.

13 2 Sec. 19. Section 225C.19, subsection 3, paragraph a, Code
13 3 2011, is amended to read as follows:

13 4 a. Standards for accrediting or approving emergency mental
13 5 health crisis services providers. Such providers may include
13 6 but are not limited to a community mental health center, a
~~13 7 provider approved in a waiver adopted by the commission to~~
~~13 8 provide services to a county in lieu of a community mental~~
~~13 9 health center,~~ a unit of the department or other state agency,
13 10 a county, or any other public or private provider who meets the
13 11 accreditation or approval standards for an emergency mental
13 12 health crisis services provider.

13 13 Sec. 20. Section 225C.54, subsection 1, Code 2011, is
13 14 amended to read as follows:

13 15 1. The mental health services system for children and youth
13 16 shall be initially implemented by the division commencing with
13 17 the fiscal year beginning July 1, 2008. The division shall
13 18 begin implementation by utilizing a competitive bidding process
13 19 to allocate state block grants to develop services through
13 20 ~~existing~~ community mental health centers, ~~providers approved~~
~~13 21 in a waiver adopted by the commission to provide services to a~~
~~13 22 county in lieu of a community mental health center,~~ designated
13 23 in accordance with chapter 230A and other local service

13 24 partners. The implementation shall be limited to the extent of
13 25 the appropriations provided for the children's system.

13 26 Sec. 21. Section 228.6, subsection 1, Code 2011, is amended
13 27 to read as follows:

13 28 1. A mental health professional or an employee of or
13 29 agent for a mental health facility may disclose mental health
13 30 information if and to the extent necessary, to meet the
13 31 requirements of section 229.24, 229.25, 230.20, 230.21, 230.25,
13 32 230.26, ~~230A.13~~ 230A.108, 232.74, or 232.147, or to meet the
13 33 compulsory reporting or disclosure requirements of other state
13 34 or federal law relating to the protection of human health and
13 35 safety.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate Study Bill 1096 continued

14 1 Sec. 22. Section 232.78, subsection 5, unnumbered paragraph
14 2 1, Code 2011, is amended to read as follows:

14 3 The juvenile court, before or after the filing of a petition
14 4 under this chapter, may enter an ex parte order authorizing
14 5 a physician or hospital to conduct an outpatient physical
14 6 examination or authorizing a physician, a psychologist
14 7 certified under section 154B.7, or a community mental health
14 8 center ~~accredited pursuant to~~ designated under chapter 230A
14 9 to conduct an outpatient mental examination of a child if
14 10 necessary to identify the nature, extent, and cause of injuries
14 11 to the child as required by section 232.71B, provided all of
14 12 the following apply:

14 13 Sec. 23. Section 232.83, subsection 2, unnumbered paragraph
14 14 1, Code 2011, is amended to read as follows:

14 15 Anyone authorized to conduct a preliminary investigation
14 16 in response to a complaint may apply for, or the court on its
14 17 own motion may enter an ex parte order authorizing a physician
14 18 or hospital to conduct an outpatient physical examination or
14 19 authorizing a physician, a psychologist certified under section
14 20 154B.7, or a community mental health center ~~accredited pursuant~~
14 21 ~~to~~ designated under chapter 230A to conduct an outpatient
14 22 mental examination of a child if necessary to identify the
14 23 nature, extent, and causes of any injuries, emotional damage,
14 24 or other such needs of a child as specified in section 232.2,
14 25 subsection 6, paragraph "c", "e", or "f", provided that all of
14 26 the following apply:

14 27 Sec. 24. Section 235A.15, subsection 2, paragraph c,
14 28 subparagraph (6), Code 2011, is amended to read as follows:

14 29 (6) To an administrator of a community mental health center
14 30 ~~accredited under~~ designated in accordance with chapter 230A if
14 31 the data concerns a person employed or being considered for
14 32 employment by the center.

14 33 Sec. 25. Section 331.321, subsection 1, paragraph e, Code
14 34 2011, is amended by striking the paragraph.

14 35 Sec. 26. Section 331.382, subsection 1, paragraph f, Code



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

15 1 2011, is amended by striking the paragraph.

15 2 EXPLANATION

15 3 This bill relates to the requirements of community mental
15 4 health centers under Code chapter 230A. The bill is organized
15 5 into divisions.

15 6 CODE CHAPTER 230A AMENDMENTS. This division repeals and
15 7 replaces Code chapter 230A which was originally enacted by 1974
15 8 Iowa Acts, chapter 1160.

15 9 The bill maintains the requirements under current law
15 10 for accreditation of community mental health centers to be
15 11 performed by the department of human services (DHS), division
15 12 of mental health and disability services, in accordance
15 13 with standards adopted by the mental health and disability
15 14 services commission. 2008 Iowa Acts, chapter 1187, required
15 15 the division to utilize an advisory group to develop a
15 16 proposal for revising Code chapter 230A and for revising the
15 17 accreditation process for centers. Until the proposal has been
15 18 considered and acted upon by the general assembly, the division
15 19 administrator is authorized to defer consideration of requests
15 20 for accreditation of a new community mental health center or
15 21 for approval of a provider to fill the role of a center. The
15 22 proposal was submitted to the governor and general assembly
15 23 April 17, 2009. The bill provides for implementation of the
15 24 proposal.

15 25 The current Code chapter provides for community mental
15 26 health centers to either be directly established by a county
15 27 or counties and administered by a board of trustees or by
15 28 establishment of a nonprofit corporation operating on the basis
15 29 of an agreement with a county or counties. Code section 225C.7
15 30 allows the department of human services to authorize the center
15 31 services to be provided by an alternative provider.

15 32 The bill replaces this approach by requiring the division
15 33 and commission to consult with affected counties in identifying
15 34 catchment areas of counties to be served by a center. The
15 35 general requirement is for one center to be designated to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

16 1 serve a catchment area but more than one can be designated if
16 2 exceptional circumstances outlined in the bill are determined
16 3 to exist.

16 4 New Code section 230A.101 describes the regulatory and
16 5 policy role to be filled by the department and the service
16 6 provider role of the community mental health centers.

16 7 New Code section 230A.102 provides definitions. These
16 8 terms, defined in Code chapter 225C, are adopted by reference:
16 9 "administrator" (administrator of MH and disability services
16 10 division), "commission" (mental health and disability services
16 11 commission), "department" (DHS), "disability services"
16 12 (services and other support available to a person with mental
16 13 illness, MR or other developmental disability or brain injury),
16 14 and "division" (MH and disability services division). In
16 15 addition, the terms "community mental health center" and
16 16 "catchment area" are defined to reflect the contents of the
16 17 bill.

16 18 New Code section 230A.103 provides criteria to be
16 19 implemented by the division for designation of at least one
16 20 community mental health center to serve a catchment area
16 21 consisting of a county or counties. Various operating and
16 22 services requirements are to be addressed in the terms of an
16 23 agreement between the designated center, the division, and the
16 24 counties comprising the catchment area.

16 25 New Code section 230A.104 provides for the division to
16 26 implement objective criteria for identifying catchment areas
16 27 for centers. A general limitation of one center per catchment
16 28 area is stated, however, the criteria are to include a formal
16 29 review process for use in determining whether exceptional
16 30 circumstances exist for designating more than one center
16 31 for a catchment area. The other stated criteria involve
16 32 determinations of financial viability for a center to operate.

16 33 New Code section 230A.105 lists the attributes of the
16 34 target population required to be served by a center. The
16 35 list includes individuals of any age experiencing a mental



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

17 1 health crisis or disorder, adults who have a serious or chronic
17 2 mental illness, children and youth experiencing a serious
17 3 emotional disturbance, and listed individuals who also have a
17 4 co=occurring disorder. The specific clinical and financial
17 5 eligibility criteria are required to be identified in rules
17 6 adopted by the commission.

17 7 New Code section 230A.106 requires each designated center
17 8 to offer core services and support addressing the basic mental
17 9 health and safety needs of the target population and other
17 10 residents of the catchment area. The core services are to be
17 11 identified in rules adopted by the commission.

17 12 An initial list of core services is specified to include the
17 13 following: outpatient services; 24=hour emergency services;
17 14 day treatment, partial hospitalization, or psychological
17 15 rehabilitation services; admission screening for voluntary
17 16 patients; community support services; consultation services;
17 17 and education services.

17 18 In addition, a center is responsible for coordinating
17 19 associated services provided by other unaffiliated agencies to
17 20 members of the target population and for integrating services
17 21 provided to the target population in residential or inpatient
17 22 settings.

17 23 New Code section 230A.107 requires a designated center to be
17 24 organized as a nonprofit corporation. However, a for=profit
17 25 corporation, nonprofit corporation, or county hospital
17 26 providing services under a waiver approved as of October 1,
17 27 2010, may also be designated.

17 28 New Code section 230A.108 requires release of
17 29 administrative, diagnostic, and demographic information as a
17 30 condition of support by any of the counties in the catchment
17 31 area served by a center. Language with a similar requirement
17 32 is part of current law in Code section 230A.13, relating to
17 33 annual budgets of centers.

17 34 New Code section 230A.109 states legislative intent
17 35 regarding continuation of the current combination of federal,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

18 1 state, and county funding supporting centers and for the amount
18 2 of funding to be sufficient for core services to be provided
18 3 regardless of an individual's ability to pay for the services.
18 4 This section also states that provision of services is subject
18 5 to the availability of payment sources for the services.

18 6 New Code section 230A.110 provides for accreditation
18 7 standards for centers to be recommended by the division
18 8 and adopted by the commission. The standards are to be in
18 9 substantial conformity with certain national standards. The
18 10 division is directed to use an advisory committee to assist in
18 11 standards development. In addition, the standards recommended
18 12 are required to include various organizational requirements.

18 13 New Code section 230A.111 addresses how the review and
18 14 evaluation components of the accreditation process are to be
18 15 performed.

18 16 An implementation section authorizes centers operating under
18 17 current law as of June 30, 2011, to continue operating until
18 18 the rules are adopted, catchment areas are identified, and
18 19 centers are designated, as required by the bill. The division
18 20 and commission are required to complete those requirements on
18 21 or before June 30, 2012.

18 22 CONFORMING AMENDMENTS. This division amends internal
18 23 references and provides other conforming amendments in the
18 24 following Code provisions: Code section 135.80, relating to
18 25 the mental health professional shortage area program; Code
18 26 section 225C.4, relating to the duties of the MH and disability
18 27 services administrator; Code section 225C.6, relating to
18 28 the duties of the commission, Code section 225C.7, relating
18 29 to the requirements for the MH/DD community services fund;
18 30 Code section 225C.15, relating to county implementation
18 31 of evaluations relating to admissions of persons from the
18 32 counties to a state mental health institute; Code section
18 33 225C.19, relating to implementation of an emergency mental
18 34 health services system; Code section 225C.54, relating to
18 35 implementation of a mental health services system for children



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1096 continued

19 1 and youth; Code section 228.6, relating to disclosure of
19 2 confidential mental health information; Code section 232.78,
19 3 relating to temporary custody of a child pursuant to an ex
19 4 parte court order; Code section 232.83, relating to child
19 5 sexual abuse involving a person not responsible for the care
19 6 of a child; Code section 331.321, by striking the requirement
19 7 for county appointments to an initial community mental health
19 8 center board of trustees; and Code section 331.382, by striking
19 9 the authority of a county board of supervisors to establish a
19 10 community mental health center.

LSB 1785XC (3) 84

jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate Study Bill 1097

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON DANDEKAR)

A BILL FOR

1 An Act relating to the scope of duty of an insurance producer
2 in procuring insurance for a client.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2297XC (3) 84
av/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011

Senate Study Bill 1097 continued

PAG LIN

1 1 Section 1. NEW SECTION. 522B.2A Scope of duty.
1 2 1. The scope of duty of an insurance producer to a client
1 3 is limited to using reasonable care, diligence, and judgment
1 4 in procuring the insurance coverage requested by the client
1 5 unless the insurance producer holds oneself out as an insurance
1 6 specialist, consultant, or counselor and receives compensation
1 7 for consultation and advice apart from premiums paid by the
1 8 client or commissions paid by an insurer.
1 9 2. The general assembly declares that this section shall
1 10 be interpreted so that the holding of Langwith v. Am. Nat'l
1 11 Gen. Ins. Co., ___ N.W.2d ___, (No. 08=0778) (Iowa 2010) is
1 12 abrogated to the extent that decision expands the scope of
1 13 duty of an insurance producer to a client, in favor of prior
1 14 judicial interpretation limiting an insurance producer's scope
1 15 of duty to that scope of duty described in subsection 1.
1 16 EXPLANATION
1 17 New Code section 522B.2A provides that the scope of duty
1 18 of a person licensed as an insurance producer to a client
1 19 is limited to using reasonable care, diligence, and judgment
1 20 in procuring the insurance coverage requested by the client,
1 21 unless the insurance producer holds oneself out as an insurance
1 22 specialist, consultant, or counselor and receives compensation
1 23 for consultation and advice apart from premiums paid by the
1 24 client or commissions paid by an insurer.
1 25 The bill further provides that the new Code section shall be
1 26 interpreted to abrogate the holding of a case entitled Langwith
1 27 v. Am. Nat'l Gen. Ins. Co., decided by the Iowa supreme court
1 28 on December 30, 2010, to the extent that case expands the scope
1 29 of duty of an insurance producer to a client, in favor of prior
1 30 judicial interpretation as described in the bill.
1 31 In the Langwith case, the Iowa supreme court determined,
1 32 among other determinations in the case, that its previous
1 33 decisions had placed unjustified limitations on the
1 34 circumstances that might be considered in determining the
1 35 duty undertaken by an insurance producer to procure insurance



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 08, 2011**

Senate Study Bill 1097 continued

2 1 for a client. The court held, among other holdings in the
2 2 case, that it is for the fact finder to determine, based on
2 3 a consideration of all the circumstances, the agreement of
2 4 the parties with respect to the service to be rendered by
2 5 an insurance producer and whether that service was performed
2 6 with the skill and knowledge normally possessed by insurance
2 7 producers under like circumstances.

LSB 2297XC (3) 84

av/rj